



Order Paper For The Meeting Of The

RESOURCE CONSENT HEARING

Independent Commissioners for QLDC - D Whitney, D Nugent
Independent Commissioner for ORC – M Ward

**Wednesday 10, Thursday 11 and Friday 12 December 2014
commencing at 9.00am respectively
at Copthorne Hotel, corner Frankton Road & Adelaide Street,
Queenstown**

LAKES MARINA PROJECTS LTD (RM140061)

Establish and operate a 195 berth marina, with associated breakwater, commercial buildings, car parking, public open space, landscaping and earthworks. Consent is also sought to subdivide the site into two lots; establishing the land area to be leased from the Queenstown Lakes District Council and the lake area to be leased from Land Information New Zealand Ltd.

QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE CONSENT HEARING

NOTICE IS HEREBY GIVEN that a Resource Consent Hearing will be heard at Copthorne Hotel, corner of Frankton Road and Adelaide Street, Queenstown, on 10, 11 and 12 December commencing at 9.00am respectively.

LAKES MARINA PROJECTS LTD – RM140061
(Publicly Notified)

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LAKES MARINA PROJECTS LTD

RM140061

PLANNER'S S42A REPORT

FILE REF: RM140061

TO Independent Commissioners

FROM Jane Sinclair, consultant planner

SUBJECT Report on a notified land use and subdivision consent application to establish and operate a 195 berth marina, with associated wave attenuator (break water), commercial buildings, car parking, public open space, landscaping and earthworks.

SUMMARY

Applicant: **LAKES MARINA PROJECTS LIMITED**

Location: Sugar Lane, Lake Wakatipu, Queenstown

Proposal: Consent is sought to establish and operate a 195 berth marina, with associated break water, commercial buildings, car parking, public open space, landscaping and earthworks. In addition subdivision consent is sought to subdivide the site into two lots, establishing the land area to be leased from the Queenstown Lakes District Council and the lake area to be leased from Land Information New Zealand.

Legal Descriptions: Section 48 and Section 52-53, Block XXI, Shotover Survey District, Contained in computer Freehold Register OT7B/844 consisting of 1.3569 hectares more or less.
Section 1, Survey Office 24208, contained in Computer Freehold Register OT5C/965 consisting of 1.3765 hectares more or less.

Zoning: Rural General and Low Density Residential

Designation: Designation 165, Frankton Marina Local Purpose Reserve

Public Notification Date: 19 February 2014

Closing Date for Submissions: 19 March 2014

Submissions: 81 submissions received, including one late submission.

The following submissions have been received in opposition to the application:

- Submission #30 – Clive John Cousins – C/-Saunders and Co, Christchurch *
- Submission #31 – Edwin G P March – C/-Saunders and Co, Christchurch *
- Submission #32 – Queenstown Marina Developments Limited – C/-Saunders and Co, Christchurch *
- Submission #33 – Richard and Natasha Evans – P O Box 668, Christchurch *
- Submission #35 – Land Information New Zealand – P O Box 110, Christchurch *
- Submission #36 – Kati Huirapa Runanga ki Puketeraki & Te Runanga – P O Box 446, Dunedin *

- Submission #39 – Department of Conservation, Private Bay 4715, Christchurch *
- Submission #41 – Queenstown Trails Trust, P O Box 1052, Queenstown *
- Submission #42 – I and AM Tulloch, C/- G T Law, P O Box 124, Queenstown *
- Submission #43 – R M and R Instone, 927 Frankton Road, Queenstown
- Submission #64 – P Cody, Apartment 39, 240 Wai iti Road, Timaru

The following submissions have been received in support of the application:

- Submission #2 – B Walker
- Submission #3 – Andrew Hyman, 157 Peninsula Road, Queenstown
- Submission #4 – Quentin Rewi, 893 Frankton Road, Queenstown
- Submission #5 – Geoff Stevens, 66 Hensman Road, Queenstown
- Submission #6 – Richard Stringer, 40 Oregon Drive, Queenstown
- Submission #7 – Doug Reid, P O Box 934, Queenstown
- Submission #8 – John Petre, P O Box 1140, Queenstown
- Submission #9 – Ian Kirker
- Submission #10 – Kenneth Muir, Aldersude, 3RD, Wyndham *
- Submission #11 – Robert Henderson, 127 Goldfield Heights Road, Queenstown
- Submission #12 – Murray Stevens, 32 Riverside Road, Frankton
- Submission #13 – Sir Eion Edgar, 563 Peninsula Road, Kelvin Heights
- Submission #14 – Derek Bulman, 661 Frankton Road
- Submission #15 - Brent Muir, 365 Wyndham Mokoreta Road, Wyndham
- Submission #16 - Grant Jamieson, Hong Kong
- Submission #17 – Bathan Muir, 174 Tramway Road East, Wyndham
- Submission #18 – Henry van Asch, 119 Fitzpatrick Road, Queenstown
- Submission #19 – Rachel Senior, 15 Goldleaf Hill, Queenstown
- Submission #20 – Kay Young, 3 Criterion Street, Arrowtown
- Submission #21 – Gary Reynolds (Frankton Marina Commercial Users Group), 825 Frankton Road *
- Submission #23 – Derek Stewart
- Submission #24 – McCallum Sharp, 10 Harrys Close, Arthurs Point *
- Submission #25 – Nicoll Thompson, P O Box 2278, Wakatipu
- Submission #26 – Matt Cleaver, P O Box 849, Queenstown
- Submission #27 – Steven Mclsaac
- Submission #28 – Marcus Bennett
- Submission #38 – Frankton Community Association , P O Box 2004, Wakatipu
- Submission #57 – Kawarau Jet Services Holdings Ltd
- Submission #58 – L & J Rutledge, 889 Frankton Road (**WITHDRAWN**)
- Submission #59 – Anthony Smith, 80 Mountain View Road
- Submission #60 – Million Dollar Cruise, 269 Peninsula Road, Kelvin Heights
- Submission #61 – Carl Portegys (For Coast Guard Queenstown) *
- Submission #62 – Nicholas Muir
- Submission #63 – Neville Kelly – Thunder Jet *

The following submissions received were in partial support and partial opposition:

- Submission #22 – Warrington Family, 5 Greenhill Avenue, Dunedin *
- Submission #37 – New Zealand Transport Agency – P O Box 5245, Dunedin *

The following submissions are in conditional support:

- Submission #1 – Queenstown Airport Corporation *
- Submission #34 – Wakatipu Community Maritime Preservation Society Inc, P O Box 2099, Wakatipu *

The following conditional submissions are from apartment owners within the Mantra Marina Apartments, 875 Frankton Road who are represented by Brett Giddens, Town Planning Group Ltd.

- Submission #44 – Apartments 303 and 403, 875 Frankton Road *
- Submission #45 – Marina Baches Management Limited *
- Submission #46 -Rachel and Ben Brockway, Apartment 203 *
- Submission #47 – Yap Yi Room and Lam See Amanda, Apartment 406 *
- Submission #48 – Gray Superannuation Fund, Apartment 202 *
- Submission #49 – Kartika Prihadi, Apartment 205 *
- Submission #50 – Colin Fagg, Apartment 207 *
- Submission #51 – Aaron Claasen, Apartment 208 *
- Submission #52 – Olivia Wensley, *
- Submission #53 – Greg Wensley *
- Submission #54 – Shane Craig, Apartment 105 *
- Submission #55 – Lina Susanto, Apartment 107 and 206 *
- Submission #56 – Don Claasen, Apartment 201 *
- Submission #65 – C H Lee *
- Submission #66 – K G Cheong *
- Submission #67 – H L Sum *
- Submission #68 – H Ying *
- Submission #69 – K C Wong and T W Ong *
- Submission #70 – P S Moorthy and S Valarmathi *
- Submission #71 – H Yang *
- Submission #72 – J M Freidman *
- Submission #73 – O L Leng & H Kothagoda *
- Submission #74 - R Das *
- Submission #75 – F Fi Seow *
- Submission #76 – D S C Yuen *
- Submission #77 – H K Yong and T G Phail *
- Submission #78 – T S Khoon and C L Ping *
- Submission #79 – Austpac (Queenstown) MGMT Ltd *
- Submission #80 – P H Wong *

The following submissions have been received neither in support or opposition to the application:

- Submission #29 - New Zealand Historic Places Trust
- Submission #40 – Otago Regional Council

A late supporting submission was received from:

- Submission #81 – Tim Medlands (Residence Du Lac Ltd) *

** indicates the submitter wishes to speak at the hearing.*

Implications For:

i)	Policy	No
ii)	Annual Plan	No
iii)	Strategic Plan	No

RECOMMENDATION

- (i) Pursuant to Section 37 it is recommended that the late submission be received.
- (ii) That subject to new or additional evidence being presented at the Hearing, the application be REFUSED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. It is considered that the adverse effects of the activity will be more than minor, in particular the expert traffic advice along with the submission from the New Zealand Transport Agency indicates that the proposal will result in traffic activity that the current roading capacity in terms of the intersection of Sugar Lane/ State Highway 6A is not able to withstand, resulting in adverse effects on the safety and efficiency of this road network.

It is considered that actual and potential effects with respect to the car park, site management, construction, earthworks, commercial use, landscaping and structural stability are able to be addressed by way of appropriate conditions of consent.

In the context of the permitted baseline for the site, the receiving environment, and the existing character the proposal is not considered to result in adverse effects on landscape values, character or amenity that are more than minor.

Positive effects are considered to result in terms of public access to and along the lake.

2. The proposal does not satisfy the relevant assessment matters and Objectives and Policies set down for the activity with respect to transport matter, however the proposal is considered to accord with many of the objectives and policies of the Plan specifically District Wide issues including those for the surface of water.
3. The proposal is aligned with Part 2 of the RMA, however the adverse effects resulting in terms of the potential safety and efficiency of the roading network are considered such that the proposal cannot be considered to constitute sustainable management.

REPORT

1.0 INTRODUCTION

My name is Jane Sinclair, I am a consultant planner contracted to undertake resource management services for the Queenstown Lakes District Council (QLDC). I have 18 years' experience in resource management having worked for various city, regional and district councils as well as in the private sector.

Since 2004, I have acted as an Independent Commissioner for the QLDC. Prior to this I was the Principal: Resource Management for CivicCorp, a private consultancy contracted to the QLDC to carry out Council's regulatory functions.

I hold the qualification of Bachelor of Resource and Environmental Planning from Massey University graduating in 1996.

This report has been prepared to assist the Commissioners. It contains a recommendation that is in no way binding, it should not be assumed that the Commissioner will reach the same conclusion.

2.0 SITE & ENVIRONMENT

The site and surrounds have been described in sections 1.0 and 1.1 of the application received and is identified as including land which is part of the Frankton Marina Local Purpose Reserve, accessed via Sugar Lane and State Highway 6A, Queenstown, along with Lake Wakatipu.

The site is located on the southern side of Sugar Lane; on the northern side of Sugar Lane are a number of commercial properties and two residential dwellings. To the north-east of the site is the Mantra Marina apartment complex and the Low Density Residential zone, whilst to the north-west is the boat ramp, Fisherman's Pier, historic boat shed and slipway, Boat Shed Café, and the scout den. The Frankton Walkway (Queenstown Trail) passes through the site.

The site is irregular in shape and includes the land adjacent to Sugar Lane and adjoining land to the lake edge and includes a portion of Lake Wakatipu. A man made inlet, and Marina Creek (which discharges into the inlet) are located on the site.

The site is comprised in two freehold titles. Queenstown Lakes District Council are the registered owners of the Local Purpose Reserve, and Lake Wakatipu is owned by the Crown and administered by Land Information New Zealand (LINZ). The applicant proposes to lease the areas of the reserve and the lake required for the marina. The historic boatshed is identified as an historic feature in Appendix 3: Inventory of Protected Features in the District Plan, Reference No. 16 (boatshed, slipway and ticket office), with a QLDC Category 2 rating. The Boatshed Café referred to above is located in the ticket office building.

The Frankton Marina Conservation Area managed under the Conservation Act is located to west of Fisherman's Pier.

3.0 PROPOSAL

A copy of the application and accompanying assessment of effects and supporting reports can be found in the "Application" section of the Agenda.

The applicant has provided a comprehensive overview of the proposal in Section 1.0 of the Assessment of Environmental Effects ('AEE') prepared by Vivian & Espie dated 31 January 2014. The application has been described in full in section 1.7 on pages 5 – 16.

The description of the proposal as set out in the AEE should be read in conjunction with this summarized version.

The proposal can be broken down as follows:

Marina and Breakwater

The marina will consist of 195 berths to be constructed in two stages (85 berths in Stage 1 and 110 berths in Stage 2). The intention is to complete Stage 1 within 5 years and Stage 2 within 10 years from the approval date.

Stage 1 will include the construction of the first 170 metres of the breakwater, 85 berths, some buildings and the car park, whilst Stage 2 involves the extension of the breakwater, 110 berths on the eastern side of the marina and further buildings. Once completed the marina will occupy an area of 240 metres by 200 metres (48,000m²) enclosed by the breakwater on the west and south sides.

The break-water will connect to shore at the location of the existing floating pontoon at the public boat ramp and will extend 320m in length into the water. It will be approximately 4.8 metres wide and curved. It is intended (but not part of this application) that the existing public pontoon and jetty be repositioned to the west of the marina to the point of the fuel pumps or just past them.

The break-water will consist of large concrete pontoons linked together by flexible couplings and secured to the lake bed by screw anchor. The application states that the design of the breakwater units has not been finalised but they will basically comprise concrete pontoons in the order of 2 metres deep and 4.8 metres wide with a draft of 1.5 metres giving a freeboard of 0.5 metres. Similarly, details of the berths and access piers have not been finalized but these will have less freeboard (0.4 metres) and vary in width between 1.2 metres and 3.6 metres and in length 8.5 metres and 12.5 metres. The application notes that the number of berths could alter depending on the size of boats using the facility.

Forming part of the application is the possibility that the concrete pontoons and marina berths be fabricated on the shore, launched and towed into position.

The marina structure will consist of five stems, two in Stage 1 and three in Stage 2. These range in length from 87 metres to 140 metres and will provide access to finger berths for craft between 8.5 to 12.5 metres in length. The design of the marina is flexible to enable the jetties and finger berths to be altered to be either smaller or larger in size to accommodate different boat sizes.

A retaining wall of 150 metres in length is proposed to be built on the shoreline of the Stage 1 development to establish an esplanade between the marina and the car parking area. The retaining wall will consist of precast concrete panels and extend the full length of the marina, it will contain fill to raise the level of the car park area and form the esplanade. Excavation from the lake bed will occur to provide sufficient depth for the in shore berths and floating pontoons at extreme low lake level. This excavated material will be used as fill behind the esplanade wall or in the existing inlet which is proposed to be reclaimed as part of the car park.

The area between the esplanade and the marina will contain 26 single level buildings on floating pontoons.

It is proposed to divert Marina Creek via a culvert to discharge into the lake adjacent to the access bridge to the break water.

Public access is proposed on the main marina accessway running parallel to the lake located in front of the pontoon buildings. For safety reasons the public will not be able to walk on the wave break. It is stated that for security and safety reasons, access to the jetty stems will be restricted to berth holders by way of locked gates.

The proposal does not provide for public access to the breakwater due to safety reasons.

Subdivision

Consent is also sought to subdivide the site into two lots, establishing the land area to be leased from the Queenstown Lakes District Council and the lake area from Land Information New Zealand. Proposed Lot 1 will encompass the portion of the site in Lake Wakatipu and will be 6.924 hectares, with the portion of the site on land, being proposed Lot 2, comprising 0.766 hectares.

Infrastructure

The marina will be fully serviced with water, electricity, sewage pump-out and fuel dispensing facilities. Existing Council reticulation will be utilised to service the development for water supply and waste water. Existing storm water disposal points will be incorporated into the design of the marina. Storm water runoff from the car parks will be conducted to sumps fitted with oil traps from which clean water will be piped to outfalls. Runoff from the buildings will be directly into the lake. The servicing to the buildings has been designed to go underneath the jetty and ramps.

Earthworks

The overall volume of earthworks proposed is 18,003m³, involving diverting Marina Creek, filling the existing inlet for the car park, formation and construction of road and car park areas, construction of the esplanade, lake bed excavation and excavation for drains and underground services.

The existing inlet will be reclaimed and developed to contain car parking, commercial buildings, planting and public open spaces.

The proposed earthworks for Stage 1 include a cut volume of 2762m³ and a fill volume of 13,401m³, with a total of 16,163m³ with the proposed exposed area being 14,640m². The maximum cut depth is 2.4m with the maximum fill depth of 3.5m.

Stage 2 involves a total cut volume 1840m³ over an area of 332m², with a maximum cut depth of 0.6m.

Landscaping

It is envisaged that the landscaping enhance the appearance of the site and provide public amenity areas. It includes landscaping along Sugar Lane and around the car park and includes areas such as a boulder retaining wall and steps down to the surface of the lake in the vicinity of the Mantra Apartments. It is proposed that the open space, seating and vegetative treatment within this portion of the site will blend in with the lake edge further east.

The lakeside walking/cycle track is proposed to be substantially enhanced where it passes through the marina site. The Frankton Track is proposed to provide a direct path through the site or an alternative path along the esplanade. A 6 metre wide esplanade is proposed to allow the public to travel through the site. Extending from the esplanade is the main pathway 3-4 metres wide that enables the user to circulate the entire car park whilst being separated from the traffic movements.

Low bollard lighting is proposed for the marina structure and lighting is proposed for the car parking area for security. Navigation lights are also proposed, one on the end of the break-water and one on each of the main berth stems. It is proposed to provide the minimum level of luminous required for public safety and security with mushroom type fittings to direct the lighting down to the deck.

Buildings

Consent is sought for 31 buildings to be erected which will have an overall total building footprint of 1200m², excluding decking. Five buildings are proposed on land located at the eastern end of the esplanade consisting of two joined 72m² building, two individual 36m² buildings, and a 48m² public toilet building. The height of the buildings is 4.1 metres.

It is proposed to erect 26 single level buildings on the floating pontoon; these vary in size up to 108m². It is stated that the average water depth is 2 metres below the esplanade and that the height of these buildings will be 4.1 metres, designed this way to ensure that views are gained from the esplanade out to the marina and the Lake.

The buildings have been designed with a marine theme, with porthole features included in the doors, deck and balustrade features similar to that found on boats, and a gabled form to emulate a group of boatsheds. The external cladding is timber weatherboard for the walls with profiled metal coloursteel

for the roof. It is intended that the external walls be unpainted and the roofs a recessive grey. The design involves some of the buildings having a clear glazed roofs and walls.

The buildings are for storage, administration or commercial lease purposes. It is intended that these buildings (with the exception of the public toilet building) be leased to users of the marina for personal/or commercial activities. They will only be erected on the site as demand requires.

The 48m² public toilet block located to the east of the marina will include communal facilities, servicing the marina, users of Frankton Track and the wider community. The building will be separated into two sections, one for the marina members and the other for the general public.

Signage

Signage platforms of 0.5m², 2.5 metres above the footpath are proposed on the facade of each building facing the esplanade. For the building façades that face the lake it is proposed that each building be permitted only one sign 21cm x 30 cm (size of an A4 piece of paper) containing the building number and name. It is proposed that there be no sandwich boards, or other types of free standing signs.

Parking, Trailer Parking and Traffic Circulation

156 car parks are proposed, including 14 mobility impaired car parks and four car parks accommodating a car and trailer parking. A 30 metre loading zone is to be provided. The car park will be located immediately in front of the marina berths on the south side of Sugar Lane. In addition three bus parks will be provided at the southernmost side of Sugar Lane, near to the entrance of the site. Bicycle parking is proposed at various locations throughout the site. These will all be provided as part of Stage 1.

The car park is proposed to be sealed, once the ground has settled.

Fuel Tanks

It is proposed to locate the fuel tank underground of the car park on the southern western side of the car park. The application states that there are two possible locations for fuel dispensing pumps with the preferred option being the one located on the wave break. It is unclear in the application where the alternative option is. This will need to be clarified.

The fuel pumps will be available for both private and commercial marine operators. For boat operators refuelling at the wave break a kiosk approximately 1m x 0.6m x 2.2m high will provide shelter for the card operating console.

Operation

The proposal states that the marina will operate independently, but alongside other established marina activities in the locality. It is proposed that there is potential to care for all boats docked at the marina. Companies maybe contracted or hired to perform boat/yacht mechanical repairs on site. It has been confirmed that that there will be no repair facilities provided on site and that boat owners will not be allowed to carry out major repairs on their boats. It is proposed that commercial operators be able to carry out minor routine maintenance for their daily requirements.

No wash down facilities will be provided on site.

The proposal does not include consent for residential use, visitor accommodation or overnighting on boats.

It is proposed that the hours of operation during which activity is permitted will comply with the noise limits set by the District Plan in Rule 7.5.6.3 (iv) Hours of Operation.

Noted in the application is that marina users will be able to access their boats at all times.

Further Information Received Post Notification

The following additional information has been submitted post notification:

- Confirmation from the applicant that any berths may be used for commercial purposes
- Plan showing navigational channel on the eastern side of the marina. "Proposed Lease Area and Channel Layout", dated 28 January 2014 Ref 3451.9R.4C.
- An additional noise report from Malcolm Hunt & Associates addressing the noise effects from the possible use of boatsheds 17 -19 and 20-26 by commercial lake users. Dated 1 May 2014.
- An additional assessment on residential amenity effects in respect of the Low Density Residential zone to the east of the site.
- Clarification that the lease area over the lake extending 45 metres to the south, east and west beyond the marina is for the purposes of anchor installation and maintenance. Use by the public will not be restricted in this area.
- Confirmation that there will be no public access to the wave break past the fuel/launching area.
- Copy of a plan which shows an overlay of the previously consented marina to that of the proposed marina drawn by Aurum Survey Drawing 3451.2T.2A dated 20 February 2013 titled "Topographical Survey with Proposed and Consented Marina Overlay".
- Bartlett Consulting response to MWH traffic assessment.
- Ecological report prepared by Ms Dawn Palmer of Natural Solutions from Nature Limited.

4.0 SUBMISSIONS

4.1 SUBMISSIONS

A copy of submissions received can be found in the "Submission" section of the Agenda and are summarised in Appendix 2 of this report for the Commissioner's benefit.

Common themes raised in the opposing submissions are:

- Congestion
- Car parking availability
- Intersection safety
- Sealing of the car park
- Effects on the transport network
- Retain the council jetty and pontoon
- Concerns over the proposed commercial use
- Details in terms of the Frankton Track
- Concerns over Marina Creek
- Visual effects
- Scale
- Position
- Residential amenity
- Noise
- On site management
- Control of the waterways
- Commercial craft
- Signage
- Water quality
- Effects on aquatic plant pests
- Cultural landscapes

Common themes raised in the supporting submissions include:

- Facility long overdue
- Proposal will enhance the area

- Improve safety
- Encourage use of the water resource
- Easier access
- Improve public amenity

A number of submissions were received in partial support/partial opposition. Two submissions were received that were neutral.

It is noted that the submitter Richard and Natasha Evans (refer Submission 33) will speak on behalf of M J Winders-883 Frankton Road, Mike and Ruth Bankier-877 Frankton Road, Simon Barnett 913 Frankton Road. Correspondence was received from Mr Evans that they will also represent 889 Frankton Road, but Council has not received any confirmation of this, Mr Evans may wish to clarify this at the hearing.

4.2 LATE SUBMISSION

Under Section 37 of the Resource Management Act 1991 the Panel may waive the requirement to make a submission within the required time period provided Section 37A(1) is considered.

Section 37A(1) states:

A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account -

- (a) The interest of any person who, in its opinion, may be directly affected by the extension or waive; and*
- (b) The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement or plan; and*
- (c) Its duty under section 21 to avoid unreasonable delay.*

A submission in support from Mr Tim Medland was received two days after the close of submissions. The issues raised in the submission are covered in other supporting submissions and relate to the marina development being long overdue and that there is demand for marina berths.

It is recommended that the submission be received and accepted pursuant to the above section of the Act.

5.0 CONSULTATION AND WRITTEN APPROVALS

CONSULTATION

The application states that consultation has occurred over the last two years with the Frankton Marina Working Party which was established by the QLDC, detailing that the Working Party have met six times since November 2012, with reports on progress submitted to Full Council on the following dates:

- 22 November 2011
- 15 October 2012
- 18 December 2012
- 8 October 2013

In addition to this, the application states that prior to lodging the application preliminary consultation has occurred with the following parties:

Adjoining landowners: Ken Muir, Don Lawrence, Paul and Peter Rodgers and Anthony White and some members of the Warrington family.

Stakeholders: Marty Black (Harbour Master), Greg Wensley (Mantra Apartments), Shaun Kelly (Kawarau Jet), Neville Kelly (Thunder Jet), Duncan Field (Limousine Cars), Marcus Bennett (Fishermans Pier), Kaye Parker (Queenstown Trails Trust) and Tony Butson (Boat Shed Chairman).

WRITTEN APPROVALS

Written approvals have been obtained from the following persons:

- Don Lawrence (DS and EE Properties Limited)– 835 Frankton Road, Queenstown
- Double M Stores Limited (Derek Bulman) - 917 Frankton Road, Queenstown - (note that Submission No.14 was also received in support).
- D and C Brinsmead – 8B Marina Drive, Queenstown
- Gary Reynolds and Susan Clyma – 905 Frankton Road
It is noted that the 2nd page of this affected party approval form is not signed and that the plans are initialled by two persons. Without the corresponding signature on the affected party approval form, this written approval should not be accepted.

It is also noted that Gary Reynolds represents the Frankton Marina Commercial Users Group who have submitted on the application (refer Submission No.21).
- Kawarau Jet Services Holdings Limited (Shaun Kelly). This party also lodged a submission in support refer Submission No. 57. Note that the plans are not signed which accompanied the affected party approval form.
- Leister Rutledge – 889 Frankton Road, Queenstown Note that the plans accompanying the Affected Party Approval form are not signed. Note also that Mr Rutledge lodged a submission in support which was later withdrawn (Refer Submission No.58).
- Malcolm and Humaira Officer – 4 Marina Drive, Queenstown
- Neilson Harold Larsen – 903 Frankton Road, Queenstown
Note that the 2nd page of the Affected Party Approval form is not signed, however the first page is signed by two signatures. It is also noted that the plans accompanying the form are signed by only one person.
- Peter and Paul Rodgers, Building No. 7 Frankton Marina.
- Quentin and Joanne Rewi, 893 Frankton Road, Queenstown. Note that only one party has initialled the plans attached to the Affected Party Approval form. Quentin Rewi also lodged a submission in support (refer Submission No.4).
- Shaun and Sally Kelly – 33 Marina Drive, Frankton. Note that the plans accompanying the Affected Party Approval form are not signed.

Figure 1 below shows the location of the written approvals received in relation to the site.



6.0 DISTRICT PLAN PROVISIONS

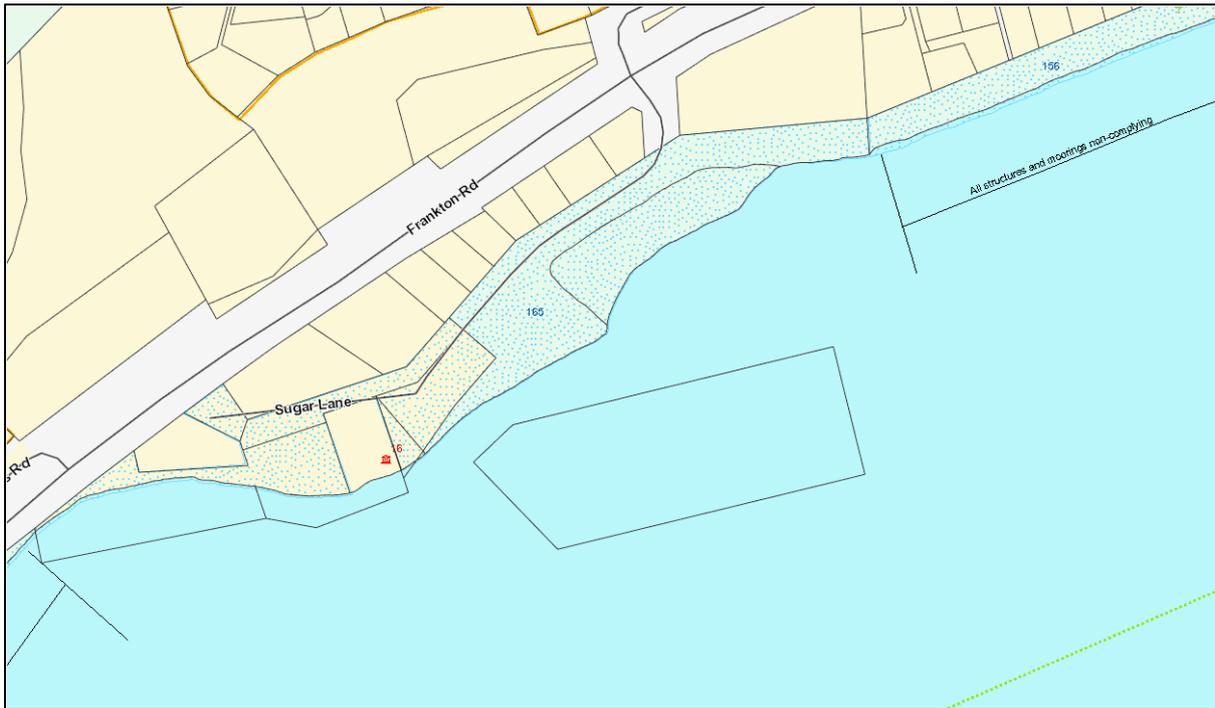
6.1 THE DISTRICT PLAN

The site is zoned Rural General and Low Density Residential under the District Plan.

The land is subject to an overlying designation, being the Frankton Marina Local Purpose Reserve, identified as Designation Number 165 in the District Plan.

A LINZ lease area is identified within Lake Wakatipu on District Planning Map 33.

Figure 2 below shows the zoning and designation areas.



Key:



The purpose of the Rural General zone is found in Section 5.3.1.1 of the District Plan and states:

'To manage activities so they can be carried out in a way that:

- Protects and enhances nature conservation and landscape values;*
- Sustains the life supporting capacity of the soil and vegetation;*
- Maintains acceptable living and working conditions and amenity for residents of and visitors to the zone; and*
- Ensures a wide range of outdoor recreational opportunities remain viable within the zone*

The purpose of the Low Density Residential zone can be found in Section 7.5.1.1 of the District Plan and states:

'Provide for low density permanent living accommodation, maintaining a dominance of open space and low building coverage. The zone seeks to maintain and enhance the low density residential areas with ample open space, low rise development and minimal adverse effects experienced by residents'.

The relevant parts of the District Plan requiring consideration are:

- Part 4 – District Wide
- Part 5 – Rural General
- Part 14 - Transport
- Part 15 – Subdivision and Development
- Part 18 – Signs

Consents Required and Status of Activity

The portion of the site on land is mainly located in the **Rural General** zone.

There is also a small portion of land located to the west of the site zoned **Low Density Residential**.

The portion of the activity in, or on, Lake Wakatipu is zoned **Rural General**.

Some of the site has an overlying Queenstown Lakes District Council Designation, Reference No. 165: Frankton Marina Local Purpose. It is noted that the application records the Designation as Local Purpose (Marina and Accessway) Reserve.

The effect of this designation is that it establishes a separate set of rules for development of the land if the Requiring Authority (QLDC) were to undertake the works.

The application submits and I agree that as the work is not being carried out by the Requiring Authority (QLDC) the assessment defaults to the rules of the underling zoning. Therefore the zoning of the District Plan is considered below in terms of establishing the consents required and status of the activity.

The application sets out on page 16 of the AEE that multiple consents are required. For ease of use the consents required are separated into the different sections of the District Plan. For consistency this report will follow the same format.

Part 5 – Rural General

This is applicable to the portion of the site within Lake Wakatipu and that portion of the site located on land.

- A **controlled** activity consent pursuant to Rule 5.3.3.2(ii) is required for any commercial activities limited to retail sales.
- A **discretionary activity** consent pursuant to Rule 5.3.3.3(i)(a) in regard to the construction of any building and any physical activity associated with that building such as roading, landscaping, and earthworks. Consent is required for the buildings, the earthworks, landscaping and car parking.
- A **discretionary** activity pursuant to Rule 5.3.3.3(ii) is required to undertake commercial activities ancillary to and located on the same site as recreational activities. Commercial activities will be undertaken at the site.
- A **discretionary activity** pursuant to Rule 5.3.3.3(iv)(a) in regard to any structure or mooring which passes across or through the surface of any lake or river. The marina includes the berths, wave attenuator and floating pontoon buildings.
- A **discretionary** activity consent pursuant to Rule 5.3.3.3(iv)(b) for commercial boating activities.
- A **restricted discretionary** activity pursuant to Rule 5.3.5.1(iii) in regard to the Scale and Nature of Activities in regards to (a) the gross floor area of the buildings will exceed 100m², (b) Goods, materials or equipment will be stored outside of buildings and, (c) all manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building. The repairing of boats requires a consent under this rule.
- A **restricted discretionary** consent pursuant to Rule 5.3.5.1(vi)(a) in regard to the minimum 15 metre setback from internal buildings. The buildings on the shoreline are closer than 15m to the site boundary.

- A **restricted discretionary** consent pursuant to Rule 5.3.5.1(ix) in regard to commercial recreational activities on land. Some of the commercial buildings are either on land or partially on land and are likely to be used for commercial recreation activities.

The only area of disagreement with the Rural General rules is with regard to the following:

- A **non-complying** activity consent pursuant to Rule 5.3.3.4(a)(i) in regard to commercial activities.

The application states that it is intended that the commercial activities are ancillary to the marina, and that the buildings will be leased to the users of the marina for personnel/and or commercial use. As no restrictions on the commercial use being ancillary to the marina have been offered, I consider that the activity should be assessed as a non-complying activity pursuant to the above rule.

Earthworks in Rural General zone

- A **restricted discretionary** consent pursuant to Rule 5.3.5.1(viii)(a), as the earthworks will exceed a maximum area of bare soil exposed of 2500m² per site with a 12 month period. The area exposed will be 14,640m².
- A **restricted discretionary** consent pursuant to Rule 5.3.5.1 (viii)(b) as the earthworks will exceed a maximum volume of moved earth greater than 1000m³ per site with a 12 month period. The volume of earthworks will be approximately 16,163m³.
- A **restricted discretionary** consent pursuant to Rule 5.3.5.1(viii)(c) as material associated with the earthworks will be within 7 metres of a water course.
- A **restricted discretionary** activity consent pursuant to Rule 5.3.5.1 (viii)2 (c) the maximum height of fill shall not exceed 2 metres, up to 3.5 metres of fill is proposed.
- A **restricted discretionary** activity consent pursuant to Rule 5.3.5.1(viii)4.(a) for earthworks located within a Ngai Tahu Statutory Acknowledgement area exceeding 50m² or 20m³ in any consecutive 12 month period.

Part 7 (Residential Areas)

- A **restricted discretionary** consent pursuant to Rule 7.5.5.2(xvi)(a)(i) as the earthworks will exceed a maximum volume of 100m³ per site within a 12 month period, the total volume of earthworks will be approximately 16,163m³.
- A **restricted discretionary** activity pursuant to Rule 7.5.5.2(xvi)(a)(ii) as the earthworks will exceed a maximum area of bare soil exposed of 200m² per site within a 12 month period being 14,640m².
- A **restricted discretionary** activity consent pursuant to Rule 7.5.5.2(xvi)(a)(iii) as earthworks will be undertaken with 7 m of a water body and will exceed 20m³.
- A **discretionary activity** pursuant to Rule 7.5.3.4 (iii) in regard to retail sales.
- A **restricted discretionary** activity pursuant to Rule 7.5.6.2 (i) with respect to nature and scale of activities
- A **non-complying** activity consent pursuant to Rule 7.5.6.3(v)(a),(b),(c) and (d) Nature and Scale of Activities as more than one person may be engaged in retail activities and will not reside on the site, more than three people who permanently reside elsewhere than on the site may be employed in undertaking non-residential activities on the site, and goods may occasionally for temporary periods be stored outside buildings. Consent is sought also for the repairing of boats.

- A **non-complying** activity consent pursuant to Rule 7.5.6.3(vi) as retail sales may be undertaken at the site.

Section 14 – Transport

- A **restricted discretionary** activity consent pursuant to Rule 14.2.4.1(ix) as a queuing length of 30 m is required, the proposal provides for a 24m queuing length.
- A **restricted discretionary** consent pursuant to Rule 14.2.4.2(i)(a) as the length of vehicle crossing over the Queenstown Trail is required to be between 4 and 9 metres. The proposal provides for a kerb crossing of 14 metres.
- A **restricted discretionary** activity pursuant to Rule 14.2.4.2 (iv) as the minimum site distances for vehicle access along Sugar Lane is required to be 80 metres. The proposal provides for a sight distance of 40 metres.

Section 18 – Signage

- A **non-complying** activity consent pursuant to Rule 18.2.3(b) as the overall signage is greater than 0.5m² for the parts of the site zoned Low Density Residential and 2m² for that part of the site zoned Rural General.

Overall, the proposal is to be considered as a **non-complying** activity.

This application is being jointly heard with consents also required for the activity from the Otago Regional Council.

7.0 INTERNAL REPORTS

Landscape Assessment

Council's consultant Landscape Architect, Ms Helen Mellsop has assessed the applicant's landscape architects report and provided a report outlining where she agrees or disagrees. Ms Mellsop's reports are attached as Appendices 3a and 3b. This landscape assessment is adopted for the purposes of this report.

Engineering Assessment

Council's Resource Management Engineer, Mr Michael Wardill has assessed the proposed development and his report is attached as Appendix 4. His report addresses transport, natural hazards, earthworks, subdivision and the provision of services.

Mr Wardill considers that with the imposition of conditions as recommended in his report the proposed development will not have adverse effects on the environment that have not been appropriately mitigated or avoided, with the exception of the adverse effects in relation to the State Highway intersection with Sugar Lane. The engineering assessment is adopted for the purposes of this report.

As part of the engineering review Council's consultant traffic engineers MWH reviewed the applicant's traffic assessment and the findings of the MWH assessment have been incorporated into the Council engineering report. The MWH report is attached as Appendix 5.

Environmental Health Assessment

Ms Jodi Yelland, a QLDC Environmental Health officer, has assessed the proposed development in terms of noise and hazardous substances. Her reports are attached as Appendices 6a and 6b to this report. It is noted that Ms Yelland is no longer employed by the QLDC.

Harbour Master

The Deputy Harbourmaster Mr Dave Black has assessed the application in terms of navigational safety. His report is attached as Appendix 7.

The assessments and recommendations of the reports are relied on and are addressed where appropriate in the assessment to follow.

8.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the Resource Management Act 1991.

Subject to Part 2 of the Act, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standards;*
 - (ii) *Other regulations;*
 - (iii) *a national policy statement*
 - (iv) *a New Zealand coastal policy statement*
 - (v) *a regional policy statement or proposed regional policy statement*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Following assessment under Section 104, the application must be considered under Section 104D of the Act. Under Section 104D of the Resource Management Act, Council may grant a resource consent only if it is satisfied that either:

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Consideration is also required of Section 6 of the Act – Matters of National Importance. Of relevance are the following matters over which the consent authority must recognise and provide for:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wail tape, and other tango.*

Section 7 of the Act further identifies other matters to which particular regard is to be had, those relevant being:

- (a) *kaitiakitanga*
- (b) *The efficient use and development of natural and physical resources.*
- (c) *The maintenance and enhancement of amenity values.*
- (f) *Maintenance and enhancement of the quality of the environment.*

All of the above are to be considered in seeking to give effect to the purpose of the Act, which is identified as being to *promote the sustainable management of the natural and physical resources*. The definition of sustainable management is:

“managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.”*

Sections 108 and 220 empowers the consent authority to impose conditions on a resource consent.

8.1 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NES)

The applicant has assessed the National Environmental Standard in section 1.7.18 of the AEE which refers to the submitted engineering report prepared by Emtech. Section 8 Contaminated Land in Appendix 1 of this report states that the majority of the area nominated for the marina development would be regarded as natural and undeveloped. These areas would have had little, if any exposure to contaminants due to it being, beach or shoreline, streambed or stream embankments and the remainder occupied by large willow trees and planting. Small areas of land situated on the shore side of the existing roadway have been used for boat storage and vehicle parking. There is a minor risk that a small amount of containments has leaked from these vehicles. These small quantities would have very little impact on the land and usually to a very shallow depth.

The applicant has commissioned a preliminary site investigation report but at the time of writing this report it had not been received. This is expected to be tabled at the hearing.

9.0 ASSESSMENT

It is considered that the proposal requires assessment in terms of the following:

- (i) Effects on the Environment
- (ii) District Plan Provisions - Objectives and Policies
- (iii) Other Matters
- (iv) Part 2 of the Act

9.1 EFFECTS ON THE ENVIRONMENT

9.1.1 Resource Consent History of Site and Immediate Surrounds

The application sets out the relevant history on Page 3 of the AEE, in summary it states:

- The site was classified a Recreation Reserve and gazetted as Frankton Marina Recreation Reserve in 1989.
- Resource consent RM93/402 was granted in 1993 to reclaim the existing marina and construct a 100 berth marina, This consent was partially implemented, prior to dismantling the marina in 2004 due to structural problems. This consent is attached as Appendix 8.

- Resource consent RM030918 was granted in 2003 for an Outline Plan of Works for the establishment for a new small marina. This consent is attached as Appendix 9.
- Resource consent RM051121 was granted in 2005 to the QLDC to upgrade and replace the existing boat ramp at the Frankton Marina. This consent is attached as Appendix 10.
- Resource consent was granted in 2009 by a combined Environment Court Consent Order (ENV-2008-CHC-168, ENV-2008-CHC 173, ENV-2008-CHC-180, ENV-2008-CHC-175) relating to an appeal on resource consent RM070542 to establish and operate a 240 berth marina, associated buildings, car parking and public open space. This resource consent is still active and is included in the resource consent application. The consent order is attached as Appendix 11.
- In 2012 the QLDC altered the Frankton Marina Reserve classification from a recreation reserve to a Local Purpose (marina and accessway) Reserve. The conditions applicable to the recreation reserve designation were not altered and still apply to the site.

In respect of the adjoining sites to the west, of relevance is:

- In 2011 resource consent RM110158 was granted to restore and repair the historic Frankton Boat Shed and Shipping Office, establish a café, and to undertake earthworks and landscaping. A copy of this decision can be made available if required.
- In 2013 resource consent RM130645 was granted to establish and operate a new coastguard building. A copy of this decision can be made available if required.

The application also notes that the cycle/walking trail has been recently upgraded and has formally become part of the Queenstown Trail network.

9.1.2 Effects Permitted by the District Plan

A matter for consideration with respect to the assessment of the actual and potential effects on the environment is the effects permitted by the District Plan (the 'permitted baseline'). Section 104(2) of the RMA states that when forming an opinion for the purposes of section 104(1)(a), a consent authority may disregard an adverse effect of the activity if the plan permits an activity with that effect.

It is considered that a number of activities are permitted on the site and therefore these form part of the permitted baseline.

The application on page 24 sets out the permitted baseline for land based activities, based upon the situation whereby the QLDC (as the Requiring Authority for the designation), would undertake to carry out the works.

The conditions of Designation 165 Frankton Marina Local Purpose Reserve are found in the Designation section of the District Plan under B: Recreation Reserves located on pages A1-20 and -A1-21. The application has included a full list of the conditions, and these have been correctly recorded. In summary these rules could provide for multiple buildings on site, as long as each building does not exceed 100m² in total floor area and that the combined total of all buildings on site does not exceed 5% of the total site area. The building height for the area zoned Low Density Residential zone is 8 metres, and 10 metres for the Rural General zoned land. In addition no more than 30% of the site in the residential zone, and 20% in the Rural General zone shall be covered by impervious surfaces.

The application also notes that the rules also specify that anywhere a site adjoins or faces a residential area no activities shall be conducted from the site between the hours of midnight and 7am.

In accordance with the designation the Council could establish buildings associated with a marina or other water activity uses without resource consent, therefore buildings on the site built in accordance with the controls stated above are considered as a relevant permitted baseline.

Under Section 104(2) of the RMA, effects that are permitted by the District Plan can be disregarded and I consider that it is relevant to disregard these effects.

Existing Environment

It is considered that the marina consented under RM070542 forms part of the existing environment, and is relevant to take into account when considering the effects of the proposal.

9.2. Actual and Potential Effects on the Environment

The assessments and recommendations contained in the above internal reports are relied upon and adopted and are addressed where relevant in the following assessment.

The proposal is considered to raise the following actual and potential effects on the environment;

- Flora and Fauna
- People and Built Form
- Subdivision
- Infrastructure
- Transport and Parking Effects
- Navigational Safety
- Earthworks and Construction Effects
- Culture and Heritage
- Natural Hazards
- Positive Effects.

These will now be assessed as follows:

Effects on Land, Flora and Fauna

The site contains no areas of significant vegetation or fauna.

The willow trees and vegetation that align the foreshore in the vicinity of the proposed marina will be removed as part of the proposal.

The earthworks proposed include reclamation of the inlet, diverting Marina Creek, and creating a car park. The earthworks will occur close to and within Lake Wakatipu. There is potential that these works could adversely affect the flora and fauna of the lake and creek. With regard to the application as submitted including the ecologists report, it is considered that with appropriate on site management and use of the techniques outlined that any adverse effects arising from silt laden runoff can be appropriately mitigated by conditions of consent. This issue has been assessed in detail under the earthworks assessment below. This issue will also be discussed in greater detail by the Otago Regional Council's officer's report.

Ms Mellsop has noted that the AEE submitted with the application has identified an adverse effect on the natural character of Marina Creek which flows into the existing inlet and that the natural character of the lake's margins could be better maintained by using indigenous species in the proposed promenade landscaping rather than the entirely exotic formal planting scheme proposed. The tree species and hedge planting proposed do not relate to any local vernacular or indigenous character.

The Commissioner's decision on RM070542 established that there were no areas of significant vegetation or fauna in the vicinity. Submissions have raised the potential for construction and operation of the marina to introduce weed species with the potential to spread and naturalise, with subsequent significant adverse effects on the ecology of the lake. An ecologists report has been received from Dawn Palmer Natural Solutions for Nature Limited whose expert advice is that with appropriate site management both in the construction and later marina operations that any adverse effects can be avoided or mitigated.

Appropriate conditions have been recommended to be imposed to ensure that adverse effects will be minor.

Effects on People and Built Form

Character

The character of the site is dominated by boat storage, informal car parking and the existing commercial businesses. The character of Sugar Lane is not in keeping with the character expected from a Low Density or Rural General zone, it is dominated by the activities associated with the existing commercial offices and workshops, and by the boat and vehicle parking. It is noted that a number of these commercial businesses have a water based focus, such as Thunder Jet, Kawarau Jet and the offices of the Harbour Master, along with the public boat ramp, Fisherman's Pier and the existing inlet where boats are moored.

The proposed use of the site will not have a significant adverse effect in terms of the character of the area. The proposed buildings and signage have been designed to be in keeping with a marine based theme, and will provide good linkages to the lake. Provision has been made to separate vehicle movements from pedestrian and cyclists. This will provide a positive improvement in terms of public amenity and safety. The marina development will tidy up and enhance the area.

It is not anticipated that there will be any adverse effects on the character of the area.

Landscape and Visual Amenity Effects

The marina complex will be visible from:

- The entire surface of the Frankton Arm, although distance sometimes mean that visibility is difficult.
- Much of the foreshore surrounding the Frankton Arm although waterside vegetation makes visibility intermittent
- A small part of the Kelvin Heights Golf Course, vegetation and distance limited visibility
- Much of the suburban area adjacent to Peninsula Road, vegetation, buildings and topography make visibility intermittent
- The north facing slopes of Peninsula Hill
- West facing slopes of Frankton
- Parts of the suburban area adjacent to Frankton Road
- Part of the south facing slopes of Queenstown Hill
- Parts of the west facing slopes of the Remarkables at long distances
- The Sugar Lane area including the properties on the northern side of Sugar Lane.

The visual effects have been assessed by Council consultant Ms Helen Mellsop, who has assessed the application prepared by Vivian & Espie titled Visual Effects Assessment Report. The landscape architects agree on the description of the visibility, the potentially affected observers and the receiving environment. Ms Mellsop considers that the Vivian & Espie report provides a largely appropriate assessment of the landscape and visual amenity effects of the proposal. However, she considers that the potential effects on residents of lakeside properties east of the Mantra Marina apartments have not been specifically considered or discussed.

Located on the foreshore reserve adjacent to 881 Frankton Road (owned by Richard and Natasha Evans – refer Submission 33) is a large willow tree. This willow tree has a height of approximately 14 metres with a 30 metre canopy spread. The willow tree was intended to be felled by Council as it has a large crack in its trunk, if this was to occur it would open up greater views to the proposed marina area from properties in the north-east corner of the Frankton Arm. However, Council have confirmed in Issue 105 of QLDC's "Scuttlebutt" magazine dated October 2014 that the willow tree will now remain due to its size, beauty, and the propagation examples it is shows. The Scuttlebutt article is attached as Appendix 12.

Ms Mellsop is in agreement with the assessment of visual and landscape amenity effects in paragraphs 45- 96 of the Vivian & Espie report, with the exception of the following:

Ms Mellsop considers that for users of the public foreshore and trails of the Frankton Arm, the greatest adverse visual effects would be experienced from the north-eastern corner of the Frankton Arm and the northern end of Frankton Beach. From these viewpoints, she considers that the

proposed marina jetties and moored boats would appear to occupy most of the width of the lake and would intensify the existing level of modification of the landscape. She also considers that visibility would be similar for the residents of properties adjoining the foreshore reserve (Numbers 881 to 935 Frankton Road and 22-24 Shoreline Road).

Ms Mellsop has acknowledged that there are multiple jetties and boat moorings present in this area and that the previous marina consented by RM070542 would also have been clearly visible, albeit further from the shoreline. Taking into account this receiving environment and the longstanding expectation that a marina of some form would be developed in this part of the lake, Ms Mellsop does not consider there would be any more than small adverse effects on the visual amenity or recreational experience of people using the foreshore and trails or on the visual amenity of most foreshore properties. I adopt Ms Mellsop's assessment and agree that any adverse effects in this regard will be minor.

Ms Mellsop is of the opinion that Stage two of the marina could be visually prominent from closer foreshore properties if the large willow on the foreshore is removed.

An Addendum report from the Landscape Architect was requested which reassessed the visual effects in light of the decision that the subject willow tree was to remain. The landscape architect states:

Since the completion of my review it has been confirmed that the large willow on the lake foreshore adjacent to No. 881 Frankton Road will no longer be removed. This willow cluster would provide substantial screening of marina from some private properties on Frankton Road (particularly Nos 887 to 893) when it is in leaf, as well as partial screening in winter months. With the retention of the willow cluster I consider that adverse effects of the proposal on the visual amenities of these properties would be small in magnitude.

The proposed marina is closer to the foreshore area immediately in front of the Mantra Marina apartments than the marina development approved under RM070542 and this could adversely affect both the visual and recreational amenity of this section of lake shore. Ms Mellsop considers that the extent of these adverse effects would be small to moderate as the wider lake and mountains would remain visible over the marina and there would be alternative and easier to access recreational areas of the foreshore nearby to the east. Access to the water would also be provided at the eastern end of the proposed marina.

A number of submissions have been received from the owners of the various apartments in the Mantra Marina Complex. These are as follows:

Ian and Annette Tulloch (Submission 42) have submitted in opposition to the proposal. I understand the Tullochs own one of the lakefront apartments and use it as their holiday home. Mr and Mrs Tulloch were party to the Consent Memorandum that resulted in the appeal to the resource consent RM070542 being settled. The Tulloch's hold the view that the adverse effects of this proposal are greater than the previous proposal, and they are concerned with the visual effects in terms of both size and scale, traffic, parking, lack of on-site management, noise, use of commercial buildings, and construction effects.

In addition to this opposing submission a number of other apartment owners in the Mantra Marina Apartments have submitted in partial support of the proposal (refer to Submissions 44-56 and 65-80). The submissions take the form of a generic submission signed by the individual owners. These submitters support the buildings, design, location, scale, height, linkages to the trail, removal of the existing trees and the proposed landscaping, signage, tidying up of the area, and the upgrading of the intersection (with respect to this issue refer to the transport effects assessment). The submissions also raise the following concerns regarding trail linkages, parking and access areas, glare, and lighting.

The Mantra Marina apartments at the north-eastern end of Sugar Lane currently have views over the Frankton Marina Local Purpose Reserve and the Frankton Track esplanade reserve to the waters of Lake Wakatipu and to Kelvin Heights and Peninsula Hill. Ms Mellsop considers that while these views would not be obscured by any proposed buildings, the second stage of the floating marina and

moored boats would occupy much of the foreground and mid ground of the view, which would change the character of the view to a moderate extent, reducing its apparent natural character. Ms Mellsoy's holds the view that as the apartments are located in an urban setting where there is considerable existing development and activity and where change, in the form of the consented marina or some other marina proposal, is anticipated, in this context the adverse visual and landscape amenity effects of the proposal on users of the Mantra Marina property would be small in magnitude.

I accept Ms Mellsoy's opinion.

In the submitted perspective drawings which shown the entire development it is noted that the driven piles that support the marina development are not shown. These perspective drawings also show the proposal at a low lake level, when the floating buildings are below the adjacent promenade. Ms Mellsoy is of the opinion that these perspective drawings are somewhat misleading in terms of the assessing the visual effects. This issue was also raised in Submission No.22 by the Warrington Family.

The Warrington Family are concerned with the number of the piles required. The piles in question are shown in Attachment E on pages 13, 14, 15 and 17. The Warrington Family submit that the tops of the piles are stated as being 314.5m which is 4.7m above the mean lake level, making them close to the tops of the proposed buildings. The submission states "as there will be over 30 piles in Stage 1, one must imagine a small forest". They believe that the four piles associated with the existing pontoon look unnecessarily high and dominant and if they could be smaller it would be less dominating, or it might be possible to use a different design which would allow a single pile.

Ms Mellsoy also considers that the visual and recreational amenity of the proposed waterfront esplanade path and adjacent lawn and seating areas could potentially be compromised by the adjacent floating buildings and piles, where she states:

In respect to the floating boatshed buildings, when lake levels are low, views towards the lake would be available between the gable roofs of the structures, although the multiple supporting piles would remain visually prominent. However, when lake levels are higher the buildings would block views except at the narrow gaps between the buildings. The blank rear timber walls of the buildings would enclose the esplanade and provide a low level of visual amenity for public users when lake levels were higher than about RL309.5. The AEE for the application states that normal lake levels are 2 metres below the esplanade level, which according to Emtech Dwg No. 13039-02 would be RL 309.5. Clarification needs to be provided at the hearing regarding the percentage of the year that the lake surface is above this level, this will assist with the assessment of potential adverse effects on visual amenity. The rear wall detailing and spacing of these buildings, as well as the location of seating and amenity areas on the esplanade, needs to be reconsidered to improve the visual and recreational amenity for users of the reserve.

This issue has been discussed with the applicant and I understand that they were considering a redesign of the floating boatshed buildings to provide for an increased gap between the rows of the buildings which would allow a wider view corridor out to the lake, they were also looking at alternative ways to reduce the amount of piles required. The applicant will need to confirm this at the hearing.

It is proposed to light the floating parts of the marina at night, both for navigational safety and security reasons with bollard lighting. In order to minimise night time adverse effects on the natural character of the lake, Ms Mellsoy recommends that jetty lighting be designed to illuminate only the jetty decks, with no light spill outside the jetty area. She also recommends that movement activated sensor lighting be used, if feasible, to minimise any adverse landscape effects. I agree that the use of sensor lighting would reduce the effects, however if there was a malfunction then this would create safety issues.

Overall, Ms Mellsoy considers that the potential adverse effects on the visual and landscape amenity experienced in public and private places are predominantly small in extent or could be appropriately avoided or mitigated by design modifications. The exceptions to this relate to the foreshore area immediately adjacent to the Mantra Marina apartments where she considers that adverse effects on the current level of visual and landscape amenity experienced from this area could be small to moderate in extent when proposed Stage 2 of the marina is implemented.

Ms Mellsop recommends that amendments to the proposal be made to protect and enhance the visual amenity and natural character of the proposed promenade adjacent to the marina and that the potential methods for ensuring the continuity and legibility of the foreshore walkway/cycleway be clarified.

Amenity

Marina Operational Noise

The proposed site is likely to generate operational noise from sources to include motor boats, halyards on yachts, marina maintenance and activities, traffic movement, people, fixed plant and occasional heavy vehicle movements. The application states that noise will comply with District Plan noise standards.

An acoustic assessment was prepared by Malcolm Hunt and Associates (Report 11/022.2) considering both the construction and operational noise. Council's Environmental Health Officer has assessed this submitted report and made the following comments:

"In 2009 daytime noise measurements of existing sound levels were taken at the nearest residential boundary at 819 Frankton Road taken between 8.30-11am and recorded levels at and above 50 dBA $L_{Aeq(15min)}$ at times throughout the morning. Further readings were taken at The Marina Apartments, 128m north of the Frankton marina jetty between 07.30-08.50am where sound levels were measured between 54-72 dBA $L_{Aeq(15min)}$ ".

The results indicated that ambient sound levels are already moderately high due to current activities in the Frankton area which include aircraft movements, vehicle noise from State Highway 6A and jet boat noise.

The assessment suggests that operational noise is to be managed and mitigated by the best practicable option such as orientating noise sources away from residences, managing boat noises from loose equipment through berthing licenses and having a 20km/hr speed limit on site. Other noise such as people noise can be addressed through good management and monitoring in addition to signage.

Council's reporting Environmental Health officer Ms Yelland has the opinion that most of the sounds identified are likely to be at low levels and not expected to exceed L10 40 dBA beyond the immediate marina area. The closest residential neighbours at 819 Frankton Road are likely to receive up to 50 dBA $L_{Aeq(15min)}$ during busy summer days. However, due to the low level of the sound in context of the receiving environment it is considered unlikely the levels would result in anything more than minor noise effects. I adopt Ms Yellard report and agree that any adverse effects on operational noise can be managed appropriately by way of a noise management plan and this has been recommended as a condition of consent.

The management of the site both during construction and operation will be controlled through an approved noise management plan which will manage issues identified by submitters including structural, operational, people and construction noise. The conditions recommended will be sufficient to manage the noise sources identified.

Noise from Craft

A number of submitters have raised concerns regarding the noise from commercial operations which may be located at the eastern side of the marina boatsheds 17-19 and 20 – 26 which provides an alternative entrance to this area.

It is noted that commercial berths are identified on Plan 3451-6E-2F, prepared by Aurum Survey and titled Proposed Frankton Marina dated 2 October 2013 as being located to the west side of boatsheds 17 and 20. The illustrative perspective indicates that jet boats berthed adjacent to boatsheds 17-19, 20- 26. It is noted that the application as applied for is for commercial berths to be anywhere in the marina.

As a result of the proposed marina development, the existing commercial operators (jet boats) could now potentially operate in an amended location, closer to Mantra Marina apartments. These activities are proposed to occur at a distance of 62 metres from Mantra Apartments and 70 metres from 881 Frankton Road.

Commercial jet boating is an established and consented activity at the existing Frankton Marina area, with a number of resource consents granted allowing commercial jet boats to operate out of the Frankton Marina and Frankton Boat ramp areas (being resource consents RM920057, RM990112, RM990113, RM990398, RM990399 and RM040414(d)). These resource consents can be made available for the Commissioners if required.

The existing jetty at the Frankton Marina used by Kawarua Jet was approved by RM940909.

In respect of noise from commercial jet boats the applicant submitted an additional noise assessment prepared by Malcolm Hunt and Associates dated 01 May 2014. Council's Environmental Health officer has assessed this and reported that the assessment is based on one jet boat operating every fifteen minutes and that launching and operating noises, vehicle movements and people noise associated with this commercial operation have been included in the assessment. It has been stated that with the location change towards the east the watercraft will have an extended path to open water and therefore be required to operate at a speed of under 5 knots within 200m of the shore.

The report has found that the average proposed noise levels have increased by 4dB in the residential area with a predicted noise level of 40dB LAeq(15 min) at Mantra Apartments, and 38dB LAeq(15 min) at 881 Frankton Road in the residential area. Ms Yellard has stated that the maximum proposed level continues to meet the District Plan Noise limit of 50dB, and that as jet boats are only permitted to operate until 20:00hrs, the maximum sound level will continue to meet the District Plan limits at both the Mantra Apartments and 881 Frankton Road location during the day (with no operation into the night-time noise limits i.e. after 20:00hrs). With the extended path to open water the predicted noise caused by acceleration at the receivers is likely to have decreased as it will occur further out into the lake.

Any adverse effects are therefore considered to be minor.

Public Access

Public access is proposed along the floating pontoon and esplanade areas that run parallel to the shore.

In terms of public access to the breakwater there are conflicting statements in the application, where it states:

"Access to the break water beyond the fuel pump facility will be controlled by a barrier and be open to the public in calm conditions (Page 13 Emtech report)"

It has since been confirmed that the public will not be able to access the breakwater due to safety reasons.

The application states that the public will not be able to access the jetties and finger berths for safety and security reasons. There is a conflicting statement in the application on page 13 of the Emtech report which states that:

"Access to the finger piers will be controlled by a swipe card or key pad system to exclude non-berth holders during the hours of darkness and storm events."

However in general I consider that the proposal will enhance public access. Access will be provided on the floating pontoon that runs parallel to the shoreline. The associated landscaping and esplanade areas will enhance accessibility for the public enjoyment of this area and result in positive effects for the community and users of the reserve.

I consider that public access could be further enhanced if the public were allowed to access some or all of the five main floating stems during the daytime. Maintenance and enhancement of public access to and along the lake is recognised in Section 6(d) as a matter of national importance that is required to be recognised and provided for. I accept that for security and safety concerns that these areas should be restricted at night time or in adverse weather conditions.

Commercial Activities Buildings

The application as applied for seeks consent for commercial activities to occur at the marina. Stated in the application is:

“it is intended that the buildings be leased to users of the marina for personnel or commercial activities (such as jet boat operators, boat servicing operators, boat hire charter operators and marine retail activities and they will only be erected as demand requires”.

However, there has been no restriction offered to limit the lease of these buildings to users of the marina. If it commercial uses were restricted as described above, it would be appropriate use of the buildings.

However, as applied for commercial activities are only limited by the definitions and standards contained in the District Plan.

Commercial Activities are defined in the Plan as:

Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation, registered holiday homes and registered homestays.

A number of submitters have raised concern regarding the adverse effects on amenity values associated with unrestricted commercial use, such as noise, hours of operation, uses that have a high car park demand, and sale of liquor issues.

To ensure adverse effects on amenity values remain minor, I recommend that a condition be imposed that commercial activities should be restricted as intended by the application.

Subdivision

Subdivision consent has been applied for as the proposed marina has a design life of at least 50 years, which is longer than the maximum lease permitted of 33 years (without an automatic right of renewal).

Section 218 of the RMA states:

“Subdivision of land means the division of an allotment by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years...”

The applicant has stated that as LINZ would not give an automatic right of renewal beyond 33 years as the lease was to be registered against the whole bed of Lake Wakatipu. The only way that LINZ would lease the lake bed for more than 33 years was if the area on which the marina infrastructure sat was subdivided from the balance of the lake bed. The lease would then be restricted to that area.

Council's Engineer has recommended relevant conditions of consent in accordance for Council's assessment for subdivisions and Mr Wardill has raised no other issues with respect to the subdivision.

Infrastructure

Water Supply

Council's Resource management Engineer, Mr Wardill has assessed the application in respect of water supply he has reported that advice has been received from Council's "Infrastructure and Planning" engineering staff confirming that there is sufficient capacity in the system to cater for the development. The Engineer has recommended a condition that prior to works commencing full details of the proposed water reticulation and connections will be required. Easements on gross over all Council water mains will be required to ensure that Council can continue to access and maintain services.

Effluent Disposal

Mr Wardill has reported that there are areas within the development where the servicing demands are provisional, being;

- The 20 of 26 commercial buildings, on the pontoons, are indicated as unserved by foul sewer and water. The remaining six buildings may be serviced by a connection of either water and/or foul sewer.
- Land based buildings
- Pump out facility (understood to be no longer proposed).

Rationale, who hold the sewer model for Council have confirmed a number of capacity issues on the Frankton sewer line that contribute to loading difficulties. The Engineer has stated that these issues are generally understood with planned investigative works in the coming years. Rationale have stated *'that in their opinion modelling would not be effective for the development as 'the likely flows will be significantly smaller than the margin of error in the model itself'*. Mr Wardill has accepted this and stated that the discharge capacity of the development can be accommodated within the existing sewer main subject to final connection details and has recommended a condition in this regard.

Mr Wardill has also noted that as sections of the sewer main are located under the marina car park easements in gross will be required over all Council's foul sewers to ensure that Council can continue to access and maintain the services.

Stormwater

Mr Wardill has assessed the stormwater and found that no adverse effects are anticipated in with respect to storm water disposal. There are multiple stormwater connections that discharge into the lake in the vicinity of the site. It is proposed that the storm water systems will be extended through the development to continue to be able to discharge into Lake Wakatipu, Mr Wardill has stated that this may require renewal full length to achieve acceptable gradients and to achieve suitable drainage outcomes. Mr Wardill has recommended a condition be imposed requiring the consent holder to submit engineering design details for approval on all stormwater drains before works commence. The Otago Regional Council consents will also consider and assess this matter.

Energy Supply and Telecommunications

Letters have been provided by both Chorus and Aurora that servicing can be provided. Mr Wardill has recommended a condition of consent that both power and telecommunication services be provided to the development.

Fire Fighting

Mr Wardill has stated that the two existing hydrants located on Sugar Lane will be able to service the marina. He has noted that the fire hazard category for the proposed 26 floating commercial buildings and the four land based buildings are defined by the commercial activity and building size. As the applicant has not defined the type of commercial activity proposed for these buildings the development will need to be assessed as FW4 (3000 litres/minute or 50 litres/second) This issue can be assessed through the final engineering approval stage and a condition of consent in recommended in this regard.

Hazardous Substances

It is proposed to locate the fuel tank underground of the car park on the south western side of the car park. The application states that there are two possible locations for fuel dispensing pumps with the preferred one being located on the wave break. It is unclear in the application where the alternative option is. This will need to be clarified.

The fuel pumps will be available for both private and commercial marine operators. For boat operators refuelling at the wave break a kiosk approximately 1m x 0.6m x 2.2m high will provide shelter for the card operating console. The underground fuel tank will be capable of holding 60,000 litres of fuel. Underground pipework and dispensing equipment will also be installed as part of the proposal.

Council's Environmental health officer Ms Jodi Yelland has assessed the below ground fuel tank and pumping station and stated:

"The Hazardous Substances and New Organisms Act 1996 and associated regulations, require the site to comply with the HSNO controls which cover aspects such as design of equipment, isolation distances, emergency response and signage etc. The HSNO controls are designed to mitigate the risks associated with such Hazardous Substances, which are fire and explosion, and to protect the environment (including human health). The HSNO controls form the national baseline for such installations.

The risks of fire and explosion associated with the storage and use of hazardous substances are primarily managed under the HSNO legislative controls. A registered test certifier must confirm that the facility as outlined in the information submitted meets the requirements in the Hazardous Substances (Class 1-5) Controls Regulations 2001. One location of the two needs to be decided upon and location and site test certificates must be issued by the test certifier before the site can be commissioned."

A registered Test Certifier will confirm that the proposed tank and the location are suitable.

Ms Yelland has not raised any other issues in this regard.

Overall, no adverse effects are anticipated in terms of the provision of services.

Transport and Parking Effects

Car Parking and Vehicle Movements

Several submitters have raised issues in respect of parking, in terms of:

- the need to provide for short term free car parking at the east end of Sugar Lane for users of the track, (refer Submission 12 M Stevens),
- concerns regarding potential car parking spaces along the southern boundary of the Warrington properties , access to, circulation within, surfacing and landscaping of the car parking area (refer Submission 22 The Warrington Family)
- the facilities, including mobility parking will provide better facilities for the disabled (Submission 23 Derek Stewart)
- Concerns over the proposed delayed sealing of the car park (Submissions 34, 44-56 and 65-80)
- Concerns over the scale of the car parking, none of which is underground, lack of larger car parks for heavier vehicles and for boat and trailer parks, lack of restrictions for parking at night time (refer Submission 42, I and A Tulloch).

The marina will be accessed off SH6A via Sugar Lane (not a legal road) with the entrance to the car park almost directly south of the intersection with the State Highway. To the west along Sugar Lane is the access to the public boat ramp, Fisherman's Pier, the BoatShed Café, the Scout Den and the large area set aside for car and trailer parking.

The car park is proposed to be located immediately in front of the floating marina structure and the commercial buildings and has been designed with a number of pedestrian paths. By locating the entrance to the car park at the eastern end of the complex it will reduce traffic circulation and movement as much as possible within the wider site, therefore limiting the impact of vehicle movement. People driving the length of Sugar Lane are not likely to be berth holders but those who are wanting to use the public boat ramp, local businesses or café, this movement is similar to what is currently occurring at the site. It is anticipated that more people will frequent the site if the marina and its associated buildings are built.

A transport assessment prepared by Bartlett Consulting was submitted as part of the application. As part of the Council's assessment of the application, the traffic assessment was reviewed by a senior transport engineer at Council's consultants MWH.

MWH advise Council on compliance with standards and safety. The report predominantly addresses District Plan Rules 14.2.4.1 and 14.2.4.2. The report has focussed mainly on the internal elements of the proposal, due to the ongoing and unresolved consultation that the applicant has been having with the NZTA.

The traffic assessment has noted that as the future use of the commercial buildings is not known, the assessment has been based on likely uses and states that between 142 – 163 car parks would be required for the completed development. It is proposed to provide 156 spaces proposed along with the 30 metre loading zone (5 car parks). The AEE concludes that the amount of car parking is anticipated to be sufficient for the proposed development.

MWH summarise that:

“Overall the Transport Assessment provides a thorough supporting document for the Consent. Application covering all travel modes and makes applicable references to the previous transportation assessment and traffic modelling prepared by TDG dated 15 June 2007.”

Council's Resource Management Engineer Mr Wardill has summarised the main points raised in respect of parking and provided a comment on each point, this is as follows:

Section 2.2 of the Transport Assessment suggests that development of the site would require nearby businesses to better manage their operation regarding car parking and overnight storage of vehicles, boats on trailers and equipment to within their property boundaries. The Applicant will need to demonstrate that this is possible with reference to existing consents for those businesses or evidence of their consultation with the owners.

It is acknowledged that parking within the marina area will no longer be permitted by adjacent businesses, however, most of these businesses have provided support for the development possibly with the intention to utilise the services provided therein. It is considered that the frontage of each business has sufficient existing space for parking several vehicles without being affected or creating negative effects to the Sugar Lane road users.

Anticipated vehicle speeds within the proposed development and on Sugar Lane should be considered and recorded by the applicant in support of 14.2.4.2 iv. (Page 20).

Sugar Lane is within a 50km/hr speed limit area however temporary signage has been installed by the Council restricting this to 20km/hr and this may become the permanent revised speed limit. A 10km/hr speed restriction is proposed by the applicant within the development area and a suitable condition of consent is recommended in this regard.

The existing footway provision on the Queenstown side of Sugar Lane terminates approximately 20m from the Intersection with SH6A. This results in a connectivity break for pedestrians entering the site and access to the pathways provided in the proposed car park layout. Consideration could be given to asking the Applicant to complete this link.

This will be considered by the Council in future as required. The existing footpath provides pedestrians and cyclist access along Frankton Road and continues around onto Sugar Lane before

terminating at a point where suitable sight distances are available for crossing Sugar Lane. The footpath along the eastern side provides access down into Sugar Lane. Mr Wardill has stated that extending the footpath around the western side of Sugar Lane would, in his opinion, create unnecessary areas of conflict with the commercial businesses and require further assessment by Council that does not form part of this application.

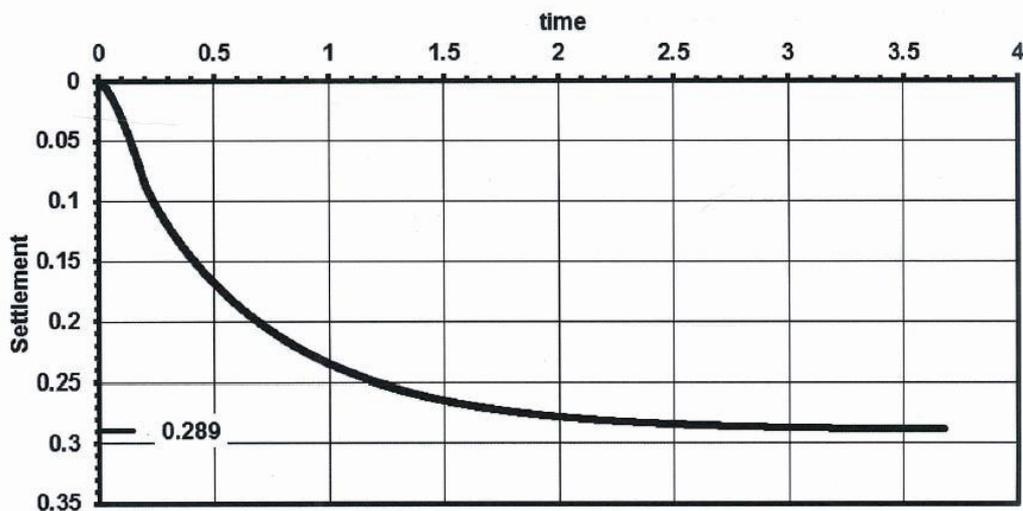
The first parking space on the right when entering the one-way section of the proposed car park may cause visibility issues for drivers reversing out of the adjacent spaces if it is occupied by a high sided vehicle. Perhaps this area could be used for motorcycle parking, covered if possible.

It is noted that the applicant proposes to install signage restricting use of this parking space to suitable vehicles. Mr Wardill does not consider limiting the use of this parking space as an issue and does not propose a condition in this regard.

The additional facilities for pedestrians, cyclists and bus users encourage alternative modes of transport for staff and visitors to the site which will reduce the demand on the car parking spaces.

The applicant proposes to delay car parking sealing until their engineer is satisfied that the ground is stable. The deferral was not part of the above MWH and Bartlett Consultants assessments and comments contained in their reports do not assess the sealing delay.

The District Plan Rule 14.2.4.1. (xii) requires parking surface to be formed, sealed or otherwise maintained to; prevent dust or noise nuisance, avoid water ponding, and to avoid runoff onto adjacent roads. Council's Engineer is of the opinion that with suitable management an unsealed surface can remain compliant until such time sealing occurs. A sealed surface will allow the appropriate parking markings to be applied thus avoiding illegal and unsafe parking, prevent gravels from being tracked onto the roading network and minimise potholing. The Emtech report proposes to defer kerbing and car parking until the marina is '*largely completed to achieve better compaction*' and avoid the effects of heavy construction equipment required throughout construction. Geosolve provide predicted settlement as follows;



Mr Wardill has assessed this issue and concluded that it is reasonable, in his opinion, for Council to allow a defined sealing delay for the main parking areas to allow time for settlement, and that combined with management controls any adverse effects should be avoided. Mr Wardill considers that a 24 month delay would cover construction settlement and include a buffer for the winter season.

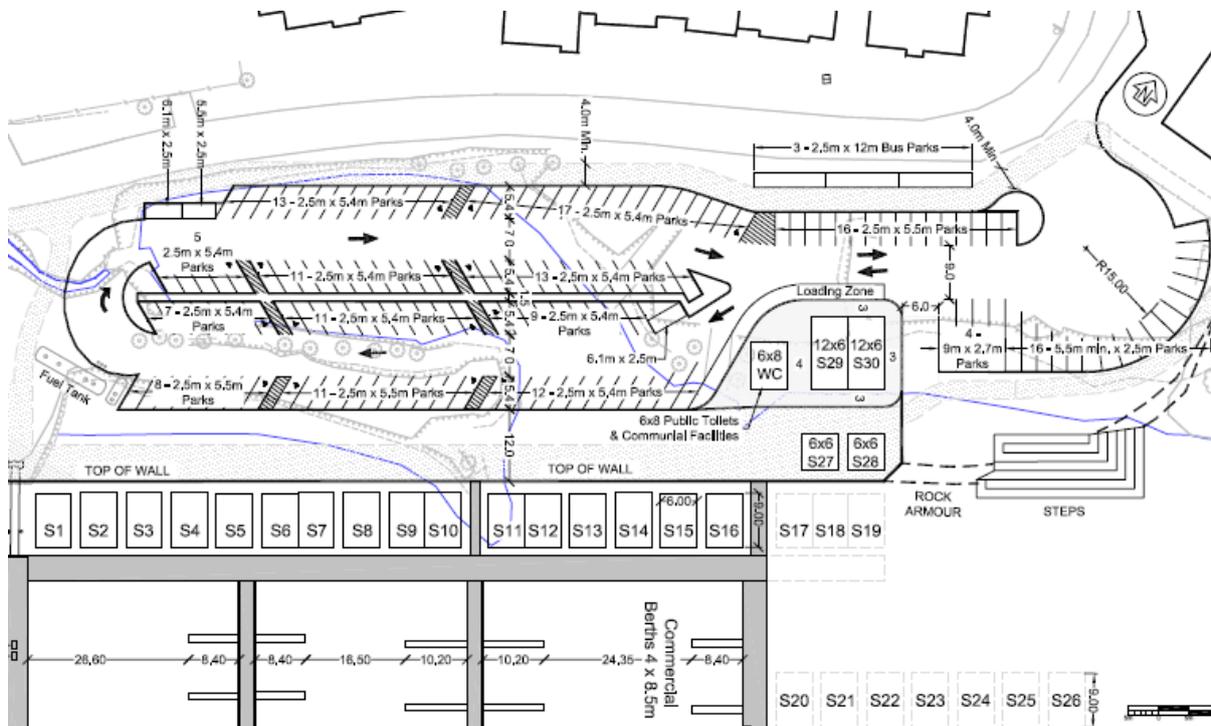
He recommends the construction of 159 sealed vehicle manoeuvring and parking areas to Council standards including all necessary line marking. This shall be completed to all parking and manoeuvring areas within 24 months of completing the Stage 1 bulk earthworks. However, he does not consider that the delay shall apply to the marina entrance crossing point with the pedestrian

crossing. Mr Wardill has recommended that a bond be imposed to offset some risk to Council regarding the sealing delay.

Further to this, in order to avoid adverse effects on the Mantra Marina apartments I consider it reasonable that the car parks located to the eastern most side in close proximity to the apartments are also sealed and not affected by this two year delay. This would mitigate the effects associated with dust, noise, and allow the proposed landscaping in this area to be implemented. I also consider that additional landscaping be required and implemented around this part of the car park area to mitigate effects associated with headlights.

Several submissions have expressed concern regarding the need to provide for some short term free car parking spaces for users of the Frankton Track. I agree that these would provide for community needs.

Sugar Lane is a two lane carriageway off Frankton Road that is sealed for the initial 227m to a point just beyond the Warrington's crossing point, where the road opens out towards the public boat ramp. This sealed/unsealed delineation is very close to the western limit of the proposed marina. The road continues west as an unsealed carriageway for a further 130m into the public parking areas. The 347m length of Sugar Lane passes from State Highway road reserve through several areas of council maintained 'local purpose reserve'. The reserve land proposed to be leased by the Council to the marina development excludes any section of formed public road.



The marina access is located on the first external corner of Sugar Lane. Existing lane widening, created for the adjacent apartments provides a left turn lane into the proposed marina. The access into the marina car parking site is proposed to be 14-15m width which is in breach of Rule 14.2.4.2 (i) which requires a maximum width of 9m. It is noted that this is also the site of the Frankton cycle trail crossing. The application submits the extra width will facilitate the passage of longer towing vehicles to/from the marina parking and unloading areas. In addition the applicant further proposes that queuing lengths under Rule 14.2.4.1 (ix) can be improved from 24m with the added widths available near the first marina parking space. Mr Wardill considers that given the nature of the car park layout a wider entrance than 9m is not recommended as this can promote unsafe vehicle behaviour such as straight lining and provide an unacceptably large crossing distance for pedestrians and cyclists. In his opinion a compliant 9m wide entrance would still allow larger vehicles to negotiate the turns and added queuing length can be provided by the proposed slip lane.

A sealed surface will allow the appropriate pedestrian markings to be installed, prevent gravels from being tracked onto the roading network and minimise dust and potholing. It will also increase safety in the access entrance. The access shall not be delayed sealing as per the main carpark and sealed prior to any occupation of the site. The entrance should be sealed and line marked at the earliest opportunity to provide access from Sugar Lane.

Mr Wardill recommends the provision of a sealed crossing point in accordance with Council standards, prior to any occupation of the Marina, with markings and signage installed as per MOTSAM, i.e. the NZTA Manual of Traffic Signs And Markings.

A condition will need to be imposed that the consent holder provide details within a site specific management plan to detail how the unsealed parking area will be managed.

Overall, having reviewed both the MWH and Bartlett Consulting parking assessments Mr Wardill has accepted that the parking proposal is largely in compliance with Council standards and any adverse effects can be mitigated by imposing relevant conditions to ensure that effects remain minor.

Sugar Lane/State Highway Intersection

Sugar Lane is accessed from State Highway 6A. SH6A is an arterial road and limited access road and is managed by the New Zealand Transport Authority (NZTA). The NZTA have submitted in opposition to this proposal until the intersection effects are appropriately addressed. NZTA have stated that they are not opposed to the marina in principal but they do have key safety and efficiency concerns regarding the intersection and state that the application has acknowledged the significant issues of safety and efficiency but has not made any suggestions as to how these effects might be avoided, remedied or mitigated.

In addition to the NZTA submission, the State Highway intersection issue has been raised in a number of other submissions (refer to Submission 21, 22, 34, 40, 42, 44 – 56, and 56-80).

The Bartlett Consulting traffic assessment submitted by the applicant concludes:

“The greatest effects of this development are a result of traffic and would have an impact at the nearby intersection of Frankton Road (SH6A, Marina Drive and Sugar Lane. Modelling undertaken for the consented development by Traffic Design Group show that the Sugar Lane approach to this intersection is already operating at capacity during the weekday evening peak period. Therefore any additional traffic during this period will generally increase queue lengths. The modelling showed that once the approved development was added this approach could have a maximum queue length of between 11.8 and 12.2 vehicles. It is expected that this proposed development will, although less, have a similar impact.

As a result of this traffic assessment I conclude that the only potential traffic effects are a result of additional traffic at the intersection of Sugar Lane, Frankton Road (SH6A) and Marina Drive. In order to manage the impacts it is suggested that NZTA should be consulted. Though consultation it is expected that the methodology would be developed to manage any traffic effects at the intersection and on the State Highway network”.

The following two points are those raised by a Senior Transport Engineer at MWH, Council's transport consultants:

“Section 4.4.1 assesses the proposed Marina trip generation during the weekday morning and afternoon peaks as zero. This seems unrealistic and may need some further consideration.”

The current proposed development will generate fewer trips than the previous approved development and the improvements to the intersection of SH6A, Sugar Lane and Marina Drive which were proposed as part of the previous consent conditions will need to be revisited as part of the applicant's consultation with NZTA.

The applicant has confirmed that ongoing discussion with NZTA is occurring however, at the time of writing this report the application is as it stands.

Bartlett Consultants have provided details in addition to their traffic assessment report supporting zero traffic during weekday mornings and afternoons. Mr Wardill has assessed this and in his opinion the traffic projection is flawed as it has made no allowance for residents in Queenstown who are not restricted by normal working hours, nor for those residents who have holiday homes. The result will be an increased traffic volume than submitted for weekdays. The dominant period will however remain at the weekends and this affects only the volume of traffic at the SH6A intersection.

The effects on the Sugar Lane/ State Highway intersection are a principal issue for consideration and with reference to the Bartlett Consulting assessment the intersection is currently operating at capacity during the evening peak period. There is also concern raised in the submissions that traffic delays are likely to increase and constitute significant adverse effects of the safety and efficiency of the State Highway which will require some form of treatment in order to mitigate the adverse effects.

It is considered that adverse effects will result from the proposal in terms of the operation of the State Highway and the functioning of Sugar Lane intersection. These concerns have been highlighted by a recent accident at this intersection in the early evening of 14th November 2014.

Mr Wardill agrees that suitable resolution to these discussions is hugely important to ensure the traffic effects are suitably mitigated to the satisfaction of both NZTA and to the Council. Mr Wardill has also noted that the effects from this development on the State Highway have not yet been assessed directly by the Council as it is relying on advice from the NZTA as the manager of the State Highway.

Under the 2007 approved marina development RM070542, the traffic effects on SH6A were to be mitigated by intersection improvements resulting from a financial contribution by the development to NZTA. Whilst these improvements were never realised it is feasible that agreement could be similarly reached under this development.

The applicant has confirmed that discussion has been on-going with the NZTA but at the time of writing this report there has been no agreement reached in respect of the intersection and this issue remains unresolved.

As the application currently stands, without appropriate mitigation I consider that there will be adverse effects more than minor on the State Highway network.

Navigational Safety

Maritime New Zealand were served a copy of the application as part of the public notification, no submission was received, nor any comments received in respect of the application. It is noted that navigational safety requirements and bylaws will govern the requirements of the marina for safety aspects including speed limit, lighting and mooring. Therefore it is considered that no significant adverse effects in this regard will result.

A safety report has been received from Mr Dave Black, Deputy Harbour Master for the QLDC who has considered the removal and relocation of the existing public floating layby jetty to the opposite side boat ramp, navigational lighting and pedestrian movement. Mr Black has commented that the public jetty must be reinstated in such a way that it does not inhibit use of the boat ramp (this does not form part of the application), sufficient navigational lighting needs to be installed to not create a hazard in the hours of darkness and that the proposed footpaths will make it safer for pedestrians and cyclists. Mr Black considers that the breakwater should alleviate any navigational safety concerns. He has recommended that a Safety Operation Plan (SOP) (although not a maritime rule requirement) be submitted and reviewed as part of the consent conditions.

The submission from Richard and Natasha Evans (Submission 33) raises the issue of recreational safety effects in particular safety of children swimming and kayaking off the jetty located adjacent to the foreshore of 881 Frankton Road. This jetty is approximately 53 metres from the actual marina structure. This area will experience an increase in water craft movement including commercial jet boat movement, as it provides an alternative access to boatsheds 17-19 and 20-26. From the perspective drawings it is evident that commercial jet boats may berth in this area. Shown on Plan titled "Proposed Frankton Marina for Lakes Project Limited, drawing 3451-6E-2F by Aurum Survey

dated 2 October 2013 it shows the commercial berths located to the west of boatsheds 17 and 20, this would mean that these commercial boats would enter and exit the marina at the main entrance out in the lake, avoiding the need to transit in close proximity to the private jetty. This will need to be clarified.

The applicant has submitted a plan as part of further information that identifies a navigational lane using channel buoys which has a width of 40 metres, allowing a 13 metre distance to the jetty (refer Plan Proposed Lease Areas and Marina Layout 3451.9R.4C dated 28 Jan 2014). No issues have been raised by the Harbour Master concerning this safety aspect. I consider that the width of the channel identified, distance to the jetty and the speed that craft will operate in this area will ensure that any adverse effects on safety will remain minor. I do note that these effects could be avoided if commercial boats were not able to berth in this area.

Earthworks and Construction Effects

Earthworks are proposed to

- Diverting Marina Creek
- Filling the existing inlet
- Formation and construction of the car park areas
- Construction of the esplanade
- General landscaping and road formation,
- Lake bed excavation, and
- Excavation for drains and underground services.

The overall volume of earthworks proposed is 18,003m³, covering an area of 14,972m².

The proposed earthworks for Stage 1 include the car parking and manoeuvring areas, and the Lake Wakatipu site containing the Stage 1 marina berths. The earthworks involve; a cut volume of 2762m³ and an imported fill volume of 13,401m³, over an area of 14,640m². The maximum cut depth is 2.4m with the maximum fill depth of 3.5m.

Stage 2 is related to the Stage 2 marina berths and the earthworks comprise, a cut volume of 1840m³ over an area of 332m². The maximum cut depth is 0.6m and no fill is required.

All these works will involve heavy machinery and will have the potential to create a dust nuisance in dry windy weather and sediment laden run off in wet weather. The heavy machinery particularly those used to compact the fill and pavement construction will create noise.

A number of submissions have raised issues with respect to effects associated with the construction: Submission 22 – Warrington Family, Submission 29 – NZHPT, Submission 34 Wakatipu Community Maritime Preservation Society, Submission 37 NZTA, and Submission 42 – I and A Tulloch.

The proposed construction hours are 7am - 6pm, Monday through to Saturday.

Located in the area are two residential dwellings, possibly a custodial flat above the commercial buildings, and apartments used for private use and visitor accommodation in the Mantra Marina complex. A Low Density Residential zone is located to the east of the site adjacent to the Mantra Marina apartments. There is also a Low Density Residential zone across the State Highway. I consider that as residential and visitor accommodation facilities are located in the nearby vicinity that the hours of construction should be reduced by half an hour in the morning and reduced on Saturdays till 12 noon, so that the hours will be 7:30am to 6pm Monday - Friday and 7:30am - 12 noon on Saturdays, with no work occurring on Sundays and Public Holidays. This will ensure that residential amenity is maintained for the surrounding neighbours and also the public who frequent the area in the weekends.

Dust

It is proposed to mitigate dust by wetting down excavated areas and dampening dusty material while being handled. A construction site management plan will need to form part of the consent conditions. These measures should be imposed as a condition of consent to ensure that the adverse effects

remain minor.

Retaining wall

An esplanade retaining wall located on the waterfront provides support to 13,400m³ of proposed fill required to create parking and manoeuvring areas for the marina.

Council's Engineer has assessed the wall and has identified an issue with regard to wave action/ground water washing fines from retained fill. Mr Wardill states:

"In the current design the detailed filter fabric and granular fill behind the wall will assist in preventing fines from being removed however the shallow precast embedment appears to be only 150mm into the revised lake bed level and provides opportunity for some undermining of the wall through wave action. In my opinion, an improved detail could be considered that improves the undermining potential."

The retaining wall construction will require separate approval through the building consent process. Discussion with the building department of QLDC confirms that suitable engineering certification will be requested under that process and an advice note is recommended to remind the consent holder of their obligations to obtain building consent."

Cut and Batter Slopes

The depths of cut and fill exceed the District Plan standards. The maximum height of cut is 2.4m. Council's Engineer has not raised any issues as the cut/fill areas are predominantly to remove a highpoint in the lake and to backfill against the esplanade wall across the lake frontage. The works are not expected to result in large unsupported batters. No recommendation have been made in this regard.

The cuts are located away from property boundaries and no adverse effects on stability issues are anticipated. Council's engineer has recommended that no earthworks breach the boundaries of the site without written approval of the owner. In summary, Council's Engineer has found that earthworks for this development are feasible and in his opinion will not result in land instability beyond the site provided the recommended conditions are applied.

Fill

It is proposed that the existing inlet is reclaimed by imported fill and possibly some gravel extracted from the lake bed.

Prior to placing any fill in the inlet the existing vegetation and topsoil will be removed and a culvert will be installed to carry the flow from Marina Creek to a new outfall at the abutment of the breakwater access bridge.

It is proposed that 13,400m³ of fill be imported to the site to reclaim the existing inlet. A fill height of 3.5 metres is proposed. The Emtech engineering report states that inlet will be filled with selected material properly compacted and finished to car park formation level.

Council's Engineer has assessed this aspect of the application and stated that as the fill will be imported over areas that land based buildings could be constructed he recommends a condition requiring foundations to be designed by an engineer and engineering supervision be required. He also has recommended that a condition is required for potential vibration issues due to the amount of fill requiring compaction.

While the proposed earthworks will change the landform of the site (removing the existing inlet area) it is not considered that adverse effects will be significant given the nature of this landform.

The AEE acknowledges the potential for silt generation and to mitigate the migration of sediment laden waters a silt fence will be placed around the area of excavation to contain sediments disturbed by the operation. The silt fence will act as a filter and will avoid any significant adverse effects in this

regard. Other mitigation measures include, wetting down to mitigate dust and a filtering stormwater runoff through a collection pond.

Condition of consent can be recommended which require the measures stated be implemented as a minimum requirement in order to ensure adverse effects remain minor.

Structural Stability

Several submitters have expressed concern about the marina structure and its ability to withstand storms as there has been a previous failed marina at the site.

The on water portion of the marina is comprised of several components as discussed in the application.

A breakwater is proposed on the southern and western sides

The breakwater will connect to shore at the location of the existing floating pontoon at the public boat ramp and will extend 320m in length. It will be approximately 4.3 metres wide and curved. The application states that the design of the break water units has not been finalised but they will basically comprise concrete pontoons in the order of 2 metres deep and 4.8 metres wide with a draft of 1.5 metres giving a freeboard of 0.5 metres. The concrete pontoons will be linked together by flexible couplings and secured to the lake bed by screw anchor.

The main function of the breakwater is to intercept wave and wind action on the lake surface to provide a calm area suitable for parking and storing boats. The breakwater is not expected to ever be submerged under the water.

To enable the breakwater to remain afloat when the lake level is low it will terminate a short distance from the shore. A rock abutment and short row of closely spaced piles will provide wave protection.

In terms of the structure of the marina, Council's Engineer reports that while the structure will be dealt with under the Building Act, it is necessary to have enough information to be satisfied that the marina is viable, stable in its location in the lake bed and can withstand the conditions of the location. The application acknowledges that gale force winds from the south east through to the south west create waves in excess of the accepted limit for floating marina berths and craft moored at these berths. Breakwater protection from these waves is therefore essential.

The application contains a report from Emtech Engineering and Marine Consultants which has assessed the wave climate, lake bed conditions, geology and geomorphology and has reported on the geotechnical investigations undertaken on site. This report discusses the design of the marina. The report concludes that evidence from previous works in the area show that the lake bed is stable and the installation of the anchors will not have any adverse effects. The Emtech report states;

Tests undertaken by OCEL Consultants Ltd, in 2007 demonstrated the ability of this type of anchor to provide adequate resistance on the Frankton Marina site

Similarly, details of the berths and access piers have not been finalized but these will have less freeboard (0.4 metres) and vary in width between 1.2 metres and 3.6 metres and a length of between 8.5 metres and 12.5 metres.

I understand that the applicant has had the structural engineering report peer reviewed and that this evidence will be tabled at the hearing. If this is not the case, then a condition of consent could be recommended that peer review be carried out by a suitably qualified person in order to ensure that the detailed design will be sufficient to provide for its intended design and use, therefore avoiding any potential adverse effects in this regard.

Traffic

The proposed earthworks activity will generate vehicle movements including those associated with the importation of the large amount of required fill. There will also be activity on and around the site during the earthworks phase. Effects in this regard will be temporary and while earthworks proposed are of a large scale, effects are considered minor with respect to their temporary nature. A construction management plan will be necessary as a condition of consent should consent be granted, to ensure that earthworks and associated activity including traffic is designed to take into account existing users of the area including the commercial businesses located on Sugar Lane and users of the ramp/waterfront in this area.

Council's Engineer has stated that a traffic management plan is required to detail construction traffic movements, separation and protection of pedestrians/cycle lane users during construction, and businesses operating on Sugar Lane. The engineer has noted that the traffic management plan will require sign off from NZTA regarding effects to/from Frankton Road. At the time of writing this report no agreement has been reached with the NZTA.

The earthworks are located on a Local Purpose Reserve managed by the QLDC and within Lake Wakatipu owned by the Crown and administered by Land Information NZ. I understand that lease agreements will be secured with both QLDC and LINZ and at the time of writing this report I am not aware of what state this has progressed to. Lease agreements will be fundamental to the project progressing. It is noted that LINZ are a submitter in part opposition to the proposal mainly with regard to the management of Lagarosiphon and other aquatic weed species which will be addressed by the ORC (refer Submission 35).

Acoustic Assessment: Construction Noise

The proposed activity will involve temporary noise from construction to include site excavation, preparation, establishing foundations/piles, services, construction of the marina stems, buildings and landscaping at the site. Noise sources will include construction equipment, vehicle noise, hand tools, people noise. No blasting or rock breaking will occur on the site and vibration has also been assessed as not significant in the area.

Construction activity and associated noise will occur through the construction and earthworks phase of the development. Piling into rock is expected to take 20 min per pile. Such effects will be temporary and with respect to the noise assessment provided with the application the construction noise activity will comply within the noise provisions of the District Plan.

It is noted that while two residential neighbours and Mantra Marina Apartments are located in close proximity and that noise will travel across the lake to be perceivable at residential properties around the Frankton Arm, the site is in general not located in a built up residential area.

The hours of construction of this activity will be limited to weekdays and daytime hours. In this regard the noise produced during earthworks/construction is assessed as being able to comply with the appropriate noise provisions of the District Plan.

Traffic will increase in the locality due to the proposed works however these movements will be temporary.

Commercial operators are also located in the Sugar Lane vicinity and it is considered important that works undertaken are done so to ensure that no disruption to these activities results. A site management plan associated with construction, hours of operation, noise and parking should be conditioned in order to avoid or mitigate any adverse effects.

Council's Environmental Health Officer has assessed this issue and stated that construction activities will occur between 07.30-18.00 hrs Monday to Saturday for over 20 weeks. This activity will be governed by the long term construction noise limits cited in New Zealand Standard for construction noise - NZS6803:1999.

The best practicable option will also be used to manage the noise to ensure it does not exceed a reasonable level. This will include precautions such as being noise aware whilst operating machinery, lowering audible noise where possible (e.g. warning devices) and keeping equipment in good order. It is not expected that construction noise will result in adverse effects greater than minor.

In order to ensure residential amenity values are maintained during the construction period, I consider that construction activity be limited to 7:30 am – 6pm Monday to Friday, and that no work occur in the weekend or on public holidays.

Culture and Heritage

Heritage and Archaeology

The assessment on heritage and archaeological effects is contained in Sections 1.4 and 2.2.12 of the application where it states: *“as part of the earlier RM070542 application comprehensive assessments were undertaken on the sites historical and cultural values. To avoid repetition the findings of these reports are not included in the application, although the reports have been referred to in the preparation of the AEE”*.

The report that the application is referring to is titled “Frankton Marina Redevelopment Archaeological Assessment prepared by P. G Petchey dated March 2004. The report was commissioned by Queenstown Lakes District Council in association with the formation of a management plan for the reserve to determine whether any archaeological sites or evidence are likely to be affected by the proposed Frankton Marina redevelopment, and to advise on the management of such issues. This report is attached as Appendix 13 to this report. The report concludes:

“ that while the area of the Frankton Marina has been the site of considerable marine activity over the past 140 years, many of the main structures appear to have been built on piles out over the water. There is some potential for the recovery of pre-1900 archaeological material, particularly as any earthworks occur at or near the lakeshore”.

The report recommends that an Archaeological Authority be applied for and that an accidental discovery protocol condition be imposed on any consent granted.

The subject site itself does not contain any feature or trees listed as protected in Appendix 3 of the District Plan’s Inventory of Protected Features. However, in the vicinity of the site, located to the west, is a protected heritage feature and structure (Reference 16 in the Inventory of Protected Features, shown, on Planning Map 33 boatshed, slipway and old ticket office), these are listed as a Category 2 with the QLDC , but are not listed on the New Zealand Historic Places Trust register. Due to distance, it is considered that the marina development will not affect this listed building and structure.

A submission has been received from New Zealand Historic Places Trust (Submission 29), which neither, supports or opposes the application but rather provides advice to the Council and the applicant. It notes in the submission that the applicant is relying on the findings of the previous application (RM0705420) in respect of heritage matters. The Trust have assumed that this was the 2004 Peter Petchey report referred to above but they were unable to locate it on Council's website. This report has been attached as an appendix 14 as referred to above.

The NZHPT consider that it is necessary that an archaeological assessment be undertaken to assess the impacts of the proposal on the heritage and cultural heritage. The Trust consider that the length of time since the Petchey report was written and the changes to the proposal in respect of this application that an updated archaeological assessment should be prepared. Such information might assist the development project in terms of identifying areas where there is a higher chance of uncovering archaeological material. If the assessment concludes that archaeological material is likely to be encountered then an Archaeological Authority will need to be obtained from Heritage New Zealand, if disturbance of archaeological material is unlikely then the appropriate approach would be to impose an accidental discovery protocol condition on any consent granted. By obtaining archaeological assessment at an earlier stage it can reduce delays, costs or required changes to a project if unanticipated archaeological material is found during earthworks. Notwithstanding the above advice, the Trust have included with their submission the Accidental Discovery Protocol, this protocol

is recommended to be imposed as a condition of consent if granted. The applicant has confirmed that they accept this condition being imposed. Effects in this regard are therefore considered to be minor.

Iwi

Both Kati Huirapa Runanga ki Puketeraki and Te Runanga o Otakou have submitted in opposition to the application (Submission No.36 KTKO Ltd Consultancy).

The relationship of Maori and their culture and their traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised in the RMA as matters of national importance that are required to be “*recognised and provided for*” (RMA Section 6(e)). Furthermore, kaitiakitanga is a matter which is required under section 7(a) to “*have particular regard to*” and also to take into account the principles of the Treaty of Waitangi (section 8).

The application submitted is very brief with respect to the assessment on Iwi values. No Cultural Impact Assessment (CIA) was submitted as part of this application but it is noted that a CIA was submitted with the application for RM070542, this report stated that in terms of the Kai Tahu association with the area, there are no known settlement sites within the subject site itself, however there are known nohoaka along the banks of Lake Wakatipu in the Frankton Arm.

Lake Wakatipu is a Statutory Acknowledgement Area and the Lake is a significant cultural value to Kai Tahu ki Otago, the submission states that size of the proposed marina will have a significant effect on cultural relationship of Kai Tahu Whanui with Lake Wakatipu. Other matters raised are the effects on water quality, management of pest species and bilge water.

The earlier submitted CIA addresses mahika kai, and records that the immediate area of the marina is not a significant source, and where the ecological report submitted with the application no on-going adverse effect are expected. It is noted that the submissions express concern with respect to water quality which can be addressed by way of conditions of consent managing this process, along with the increase of pest species into the lake by way of boats and in and out of the lake. It is suggested that an appropriate management regime should be established in the operation of the marina to address this concern, and this is accepted, whereby a condition of consent could address bilge requirements for the marina operations.

As discussed previously in this report, it is not considered that the structure is of a size that will be dominant in this landscape and where public access is provided it is not considered that the matter of ownership is one which results in adverse effects, apart from the matter of retention of public access into the future, which may be one which is able to be clarified at the hearing as to legal or other mechanisms to secure this right.

Concerns over public access onto the Marina structure itself have been considered and it is noted that the public will be able to access the floating marina structure that is parallel to the foreshore and the lake edge steps and informal boulder area. The public amenity of the Frankton walkway will be increased by the proposal. It is understood that the intention is that access to the finger berths and breakwater will be restricted for security and safety reasons. The public access and enjoyment of the marina buildings and foreshore area is a key aspect of the proposal which is emphasised throughout the application. Further consideration could be given to allowing limited access to some or all of the marina stems. It is not clear from the submission from Kati Huirapa Runanga ki Puketeraki and Te Runanga o Otakou if they have concerns regarding public access.

Natural Hazards:

The site is identified on QLDC’s hazard mapping as subject to the following hazards:

- Seismic – ‘Concealed Inactive Fault’ lines with an approximate location pass east to west of the site in a north south direction.
- Liquefaction – Identified as Liquefaction risk ‘*Lic 2 (P) Possibly Moderate*’ and also ‘*Lic 1 (P) probably low risk*’.

Council's Engineer has stated that, a Tonkin and Taylor assessment, from November 2012 discussed both the seismic and resultant liquefaction risks near the site considering the 22.7 m depth of liquefiable strata. Identified in the assessment is *"The solids beneath the proposed buildings are highly susceptible to liquefaction and a significantly larger portion of the underlying soil strata is likely to liquefy under ULS earthquake shaking"*. The report included ground condition testing and goes on to make recommendations for specific foundation design for any building.

Mr Wardill has reported that the Emtech "Frankton Marina Engineering Report", dated 20th January 2014 uses detail from the Tonkin and Taylor report for the previous marina consent application RM070452. He has stated that the conclusions reached are similar to the above albeit with liquefiable depth down to 15 – 18m, recommending that foundations of buildings be designed to ensure suitable bearing.

Mr Wardill is satisfied that a land based building can be constructed to accommodate these known hazards provided professional engineering input is maintained throughout the foundation design and construction, recommending that a condition be imposed that the foundation design is completed by a suitably qualified engineer.

Therefore Council's Engineer is satisfied that with specific design adverse effects will be mitigated. Conditions of consent relating to the design solutions described above will be adequate in ensuring that this is achieved.

Alluvial Fan

The site is located below a regional active alluvial fan consisting of composite materials.

Council's Engineer has assessed this hazard and reported that an earlier Tonkin and Taylor report associated with the previous application (RM070452), and also the consent application for the new coast guard building (RM130645) provided commentary on the composition of the local stratigraphy. Comments progress to likely liquefaction and lateral spreading under earthquake conditions. The nature of the alluvial fan however is related to nearby geology and topography and warrants assessment on the likeliness and the impact of alluvium and/or floodwater being deposited on the subject site from the valley rising above Frankton Road.

Mr Wardill has stated that there is existing development downhill of the subject alluvial fan sites on both Perkins Road and Marina Drive that are adjacent to the valley floor that would otherwise conduit alluvium. The amount of material being deposited from this hazard appears to have stalled over recent times with no observed evidence of activity. The development of Frankton Road, State Highway 6A by NZTA in circa 2000 essentially bisected the Alluvial fan hazard and created earthwork bunds to the lakeside to protect the road from the lake but also protects the subject lot from this hazard. NZTA operate State Highways with 24/7 opening requirements and should in future any alluvial material be transported as far as Frankton Road then it is also possible it will be cleared before reaching the subject site to maintain an arterial roading link. Mr Wardill is satisfied that this known hazard does not pose undue risk to the subject site.

Flooding

The application details the following with respect to flooding:

Water levels in Lake Wakatipu vary of a range from extreme low of 309.28 above mean sea level to the highest recorded level of 312.78 above sea level (as).

Flooding occurs in parts of Queenstown when the lake level reaches 311.3.

The land based buildings are shown to be immediately adjacent to Lake Wakatipu in an area historically prone to infrequent flooding from high lake levels, this typically follows periods of high intensity or prolonged rainfall resulting in catchment rains entering Lake Wakatipu and accumulating quicker than the Kawarau River outlet flows can match.

Mr Wardill has assessed this and stated that access to any future buildings on site is from Sugar Lane and this is above the 1999 flood level 312.8 ASL. Flood alerts are triggered when water levels reach 310.8m ASL. Historical floods in May 2010 reached a level of 311.48m ASL and in November 1999 were shown to have reached a level of 312.8m.

The Emtech engineering assessment provides an assessment of flooding and determines that it is impractical to provide 'dry feet' access to the marina berths and floating buildings in all flood conditions. They recommend construction of car parking and esplanade above 311.3m. This is the first flood height.

The applicant proposes to construct the main car parking area at 311.7m ASL with the esplanade at 311.5m. The proposed levels are above the first flood height of 311.3m, therefore the higher frequency flooding events will be catered for. The surfaces for the carpark and esplanade are sealed and therefore offer protection to less frequent flooding that may result in water above the proposed development level. It is noted that during such high water events it is likely that recreational boating activity will be minimal, so the need for car parking spaces will reflect this. The design of any land based buildings will all have foundations designed by an engineer and require flood sensitive design measures such as concrete floors to provide further resistance to flooding. This can be addressed through the building consent process and a condition of consent is recommended in this regard.

Based on the proposed levels being above the first flood trigger of 311.3 and the stabilised ground conditions, Mr Wardill has accepted Emtechs design level as being suitable to provide flood mitigation to the car parking and esplanade.

In this regard adverse effects in terms of flooding are considered minor.

Positive Effects

In my opinion that proposed development will provide enhanced public access to the lake and the public spaces and facilities will enhance the access to and the ability for the public to enjoy this area of the lakefront.

A large number of supporting submissions have commented on the much needed marina and associated facilities for public and private use. In my opinion that marina will provide for, and contribute to, the social, recreational and economic wellbeing of the District.

The provision of the improved and realigned Frankton Track in this area will have a positive effect in terms of its separation from Sugar Lane, making it a safer and more enjoyable track. The improved boat access facilities will enhance public enjoyment of the lake and foreshore.

The proposed landscaping works will provide a significant improvement to the physical appearance and the amenity of the locality.

I agree with the conclusions reached in the application that the marina will provide for development and enhancement of boating activity and providing the necessary infrastructure for the commercial and recreational boating community.

I also consider that providing public access to the some or all of the marina stems during the day will further increase the public amenity and enjoyment of the area.

Summary

The principal issue of concern is the impact the marina traffic will have on the intersection of Sugar Lane/State Highway 6A. In particular the expert traffic advice, along with the submission from NZTA indicates that the current roading capacity in terms of the intersection is not able to withstand the impact without adverse effects occurring on the functioning and safety of the road network. Adverse effects will be more than minor in this regard.

Other issues from the assessment are:

Council's consulting landscape architect has raised an issue in terms of landscape and visual amenity in a localised area adjacent to the foreshore in front of the Mantra Marina apartments which she considers to be small to moderate.. This is interpreted as being a minor effect as the wider lake and mountain views will remain visible over the marina and there would be alternative and easier to access recreational areas of the foreshore to the east. Access to the water will also be provided at the western end of the proposed marina.

Issues where adverse effects have been found to be minor or less than minor and can be appropriately conditioned to be avoided, remedied or mitigated are as follows:.

- character
- land, flora and fauna
- construction effects
- earthworks
- noise (both operational and construction)
- infrastructure
- general landscape and visual amenity
- navigational safety
- car parking and vehicle movement
- vehicle movement on site
- cultural and heritage
- design modifications
- public access
- subdivision
- Natural hazards

9.3 DISTRICT PLAN PROVISIONS

The District Plan includes assessment matters which enable the Council to implement the Plan's objectives and policies so that it can fulfil its functions and duties under the Act.

The relevant assessment matters are as follows:

Part 5 – Rural General

Part 5.4.2.2 (2) Outstanding Natural Landscape – District Wide

5.4.2.3.1(i) General Nature Conservation Values

5.4.2.3(iv) Controlled and Discretionary – All Buildings

5.4.2.3 (ii)(a) Natural Hazards

5.4.2.3 (v) Controlled Activity - Retail Sales

5.4.2.3 (ix) Discretionary Activity - Commercial

5.4.2.3 (xiv) Discretionary Activity - Commercial Recreation Activity ?

5.4.2.3 (xv) Discretionary Activity - Surface of Lakes and Rivers

5.4.2.3 (xxiii) Nature and Scale of Activities

5.4.2.3 (xxiv) Retail Sales

5.4.3.2 - (xxvii) Earthworks

Residential Zone

Part 7.7.2 (xi) Discretionary Activity and Zone Standard - Retail Sales

Part 7.7.2 (xxiv) Nature and Scale of Non-Residential Activities

Part 7.7.2 (xxxv) Earthworks

Part 14 Transport

14.3.2(v) Access

In order to reduce the length of this report I have attached the relevant assessment matters as Appendix 14.

These will now be discussed:

9.3.1 Landscape Assessment

The two reporting landscape architects are in disagreement over the interpretation of the Environment Court decision C180/99 in relation to the landscape category of the Frankton Arm. Ms Mellsop agrees with Mr Espie that the text of this decision is confusing, in that it clearly states that Lake Wakatipu is an outstanding natural landscape (ONL), but then draws the line that marks the inner edge of the Wakatipu Basin ONL to include the Frankton Arm. Ms Mellsop's interpretation of this apparent inconsistency is that the line defines the land that is outside the ONL but not any parts of lakes or rivers outside the ONL.

Ms Mellsop goes on to state that the whole of Lake Wakatipu is listed as an ONL in Appendix 1A of the Otago Regional Plan: Water, and Part 4.6.1 of the QLDC District Plan states that the lakes and rivers of the district are outstanding natural features. In her assessment this classification covers the whole lake, including the Frankton Arm. She considers that although small craft commonly use this part of the lake and that there are numerous moorings and structures on its margins, the lake does have a high level of natural character.

Ms Mellsop further states:

“That the lake landform and lake levels have not been modified and the water quality and ecological values are well preserved. The lake is distinctive in shape and depth and has significant cultural values to both tangata whenua and local residents, as well as significance as a geological remnant of glaciation. Aesthetically the clear deep blue waters are enhanced by the enclosing mountainous landforms. Transient qualities related to lake levels and weather conditions also contribute strongly to the significance and memorability of the landscape”.

Ms Mellsop agrees with Mr Espie's stated assessment approach – that the proposed marina is to be assessed as being within an outstanding natural landscape.

Ms Mellsop further finds that:

“The large majority of Lake Wakatipu is within the area categorised as outstanding natural landscape – district wide (ONL-DW). If the Frankton Arm were to be separated out from the rest of the lake, it would be within the area considered to be ‘Wakatipu Basin’ in terrestrial terms. However as discussed above, I consider Lake Wakatipu to be a single natural feature. The most appropriate classification for the entire lake is therefore ONL-DW”.

I concur and this report is based on the site being classified as an Outstanding Natural Landscape. The relevant District Plan landscape assessment matters for the application are therefore to be found in Part 5.4.2.2 (2) of the District Plan.

The following five assessment criteria have been assessed by Ms Mellsop and her findings have been incorporated into the assessment below:

Potential of the landscape to absorb development 5.4.2.2(2)(a)

The landscape architects are in agreement the development would be clearly visible from public places and would be visually prominent from closer public viewpoints including the lake surface, the Frankton Track and the north-eastern foreshore of the Frankton Arm. Ms Mellsop considers that from these vantage points, the development would reduce the natural character of views out across the lake to the surrounding mountains and hills. In this vicinity the lake and its margins are already significantly modified by structures, moorings, and built development associated with the existing marina and boat launching facilities. It is noted that the receiving and existing environment also includes a designation for a marina, a lake lease area for a smaller marina and the marina consented by RM070542. Ms Mellsop holds the view that while the proposal would modify the lake edge and immediately adjacent lake bed through reclamation and excavation, the lake margin of the marina reserve has already been somewhat modified by excavation of the inlet and by the boat ramp and related facilities, she therefore considers that it does not retain a high level of natural character, and

that within the context described above she considers that this part of the Lake Wakatipu landscape has the potential to absorb development of the scale and nature proposed, without significant adverse effects on natural character or openness.

The proposal is aligned with this assessment matter.

Effects on openness of landscape 5.4.2.2(b)

The site has been found to be within a broadly visible expanse of the lake and the proposed marina development would reduce the open character of the Frankton Arm, however, Ms Mellsop in her assessment considers the extent of adverse effect on the openness would be acceptable, taking into account the context of the proposal.

The proposal is considered to satisfy the criteria.

Cumulative effects on landscape values 5.4.2.2(c)

The natural character of the site and the adjoining areas of lake and land have been significantly modified by residential, commercial and boating-related development. The potential modifications envisaged by the consented marina (RM070542) form part of the existing environment. Within this context Ms Mellsop considers that the cumulative adverse effects of the proposal on natural character would be no greater than those resulting from implementation of RM070542. The scale of the currently proposed marina is smaller than that approved by RM070542 and involves fewer buildings on the marina reserve. However, unlike the RM070542 marina the proposal does not involve any restoration of naturalised areas of the foreshore or restoration of the un-named creek.

The proposal is generally considered to satisfy the assessment criteria.

Positive effects 5.4.2.2(d)

The proposal does not result in any positive effects on natural ecosystems or features and does not provide for the re-establishment of native vegetation that would enhance the natural character of the lake or stream margins. The proposal is not aligned with this criteria.

Other Rural General Assessment Matters

5.4.2.3 (i) General Nature Conservation Values

With regard to the assessment matters the most relevant criteria are (c), (d) and (g) which seek to avoid, contain, manage/monitor the adverse effects of introduced plant species which have the potential to spread. Submitted as part of the application is a report prepared by Ms Dawn Palmer of Natural Solutions for Nature Ltd which identifies the undesirable aquatic plants such as Lagarosiphon major, which is the most significant biosecurity threat to the lake. The report confirms that this plant has infested an area of the Kawarau River to the east of the historic bridge. Dawn Palmer has stated that this pest plant is the species most likely to infest the marina area. The report outlines a management and monitoring regime which addresses this species in particular but states that it would be equally applicable to apply to the management of other pest plant species. It recommends that the applicant adopt a management goal of prevention, early detection, isolation and eradication. If this approach is taken any adverse effects will be avoided. In addition it is proposed that public education notices be placed in prominent locations to improve lake user awareness of the biosecurity issues. It is considered that the inherent values of the site and its ecological context have been recognised and provided for. This matter will be addressed in greater detail by the Otago Regional Council reports.

The assessment criteria is considered to be satisfied.

5.4.2.3(ii)(a) Natural Hazards

Based on the application as submitted and the respective internal reviews the proposed activity will not exacerbate any of the identified natural hazards applicable to the site.

5.4.2.3(iv) Controlled and Discretionary Activity - All Buildings

Due to its location the proposed buildings and associated earthworks, access and landscaping will not break the line and form of the landscape, nor will it affect any skylines, rydges, hills or prominent slopes.

The design and external appearance of the buildings are appropriate to the site and locality.

5.4.2.3 (v) Controlled Activity - Retail Sales

The majority of the matters raised in this assessment criteria have been previously discussed with respect to landscape values, access, car parking and loading. The proposal has been assessed by Council's consulting landscape architect who has concluded that there will be only minor effects on landscape values. However, with regard to traffic generation and the resultant effects on the intersection in terms of safety and efficiency of the roading network, the application as it currently stands for will result in adverse effects that are more than minor. This criteria is not satisfied.

5.4.2.3 (ix) Discretionary Activity - Commercial Activities

In respect of (a)(i) there will be a noticeable increase in traffic generation to and from the site and potentially an increase in pedestrian activity. The additional traffic generated will potentially have an adverse effect on the safety and functioning of the State Highway network, particularly as no mitigation is proposed. In respect to 5.4.2.3(iv) and (b) the proposal will, according to the expert traffic advice result in levels of traffic congestion at the intersection. With no mitigation forming part of the application the adverse effects are considered to be more than minor.

Due to the nature of the locality the marina will be compatible with the character of the area. Although land in the vicinity is zoned Rural General it is not a typical rural environment.

In respect of 5.4.2.3(x)(a)(ii) relating to noise, lighting and vibration from vehicles, the two residential dwellings located to the west of the site will not be affected as the proposed entranceway to the carpark is located to the east of the site which avoids vehicle movements travelling along Sugar Lane past the two dwellings. There is potential that the lighting from vehicles entering and leaving the site may affect the Mantra Marina Complex. However, vehicle movements and parking including trailer movements currently exist in the locality. There is a possibility that with the permanent berthing facilities proposed that trailer movements to and from the site may decrease.

The Mantra Marina complex is orientated to the south to maximise the view out to the lake. Any adverse lighting effects from headlights could be mitigated by appropriate conditions.

The commercial buildings are sufficiently located away from the two dwellings to the west and the Mantra Marina apartments to the east, ensuring that any effects from the loss of privacy will be minor.

Due to the area being highly modified and with regard to the ecologists report it is not considered that there will be any adverse effects on the life supporting capability of the soil and water.

As set out in the application the intention is that these buildings to be leased to users of the marina for personal and/or commercial activities such as jet boat operators, boat servicing operators, boat hire/charter and marine retail activities. However, no restriction has been offered to link the proposed commercial use to these marina related activities. I consider it would be appropriate if the commercial use was as intended in the application but I would have concerns regarding residential amenity if broader commercial use envisaged.

5.4.2.3 (xiv) Discretionary Activity - Commercial Recreation Activity

The application does not provide a lot of detail with what is proposed in this respect of commercial recreation activities but it is envisaged that the buildings will be leased to users of the marina for commercial activities with the examples given as jet boat operators or boat hire/charters. The applicant may wish to further clarify what is intended at the hearing.

The assessment matters are a repeat of assessment matters that have previously been addressed such as effects on traffic generation, pedestrian activity, safety, noise, vibration, lighting, loss of privacy, traffic congestion, range of recreational activities, litter and waste and character.

Not knowing the specific nature of the commercial recreational activities that could establish if it is not possible to satisfy (f) in terms of activities being audited and certified with the relevant code of practice. Nor is it possible to know what intended trips are for water based activities. It would be appropriate to grant consent for the existing commercial recreation activities that currently operate from the marina such as jet boating operations but not for new commercial recreation activities as these should be assessed on a case by case basis.

5.4.2.3 (xv) Discretionary Activity - Surface of Lakes and River

I consider that the proposal will not adversely affect the range of recreational opportunities available in the District or the quality of the experience of people partaking of the opportunity. The marina will provide further opportunity to access the lake, along with the enhanced enjoyment of the lake front. The facility may also ensure that other areas of the lake remain in a less modified state.

The proposal will by necessity impede craft movements along this area of the lake, however in general the proposal is not considered to significantly impede craft movements within Lake Wakatipu. The application submits that the marina will provide a more sheltered environment to manoeuvre craft.

Council's consultant Landscape Architect has raised concern with respect to the marina structure affecting the quality of experience in this immediate area. Ms Mellsop considers that the landscape experience of people in small craft such as kayaks could be adversely affected by the physical barrier the marina would create. Such craft would have to travel out into the lake to get around the marina. Ms Mellsop notes that the previous consented marina allowed for continued access along the shoreline for small craft. Due to the relative area of the marina with respect to the size of the lake, and the remainder of available areas within the Frankton Arm for water based activities, this effect is not considered to be significant.

The marina is located in an area of the lake already modified for boating and launching uses. In terms of topography Frankton Arm is considered to be relatively sheltered.

I am of the opinion that the proposal as a whole will increase opportunities for passive recreation on the lake shore and that given the current environment I do not consider that it will reduce opportunities for peace and tranquillity in this location. The proposal is not located in an area which provides for remote experiences. The facility may increase the availability of boats and therefore the opportunity for persons to access other areas of the lake which do offer remote experiences.

With respect to the advice from the engineers with respect to marina structure, the proposal is not considered to be of a risk to compromise public safety.

The proposal will result in some levels of noise (berthing, launching etc), and lighting, however it is noted that this is an area of the lake in which this activity currently exists, and its use is anticipated by the District Plan. The application notes that all lighting in the area will meet Council's standards.

The proposal will result in bringing additional people to the area however the location is not one which holds a sense of remoteness or isolation.

The application submits that the formalisation and proper management of the area will help to increase safety associated with the boating activities. I consider that this may be achieved. Furthermore, the management and custodianship of the area should in my opinion ensure that the accumulation of litter and waste is appropriately avoided.

The provision of a public toilet will have a positive effect in terms of public amenity associated with the marina activities and for uses of the track.

The proposal is considered to be comprehensively designed to take into account other boating activities in the vicinity and to provide for those uses also.

Ms Dawn Palmer has undertaken an ecological report of the area which was submitted as part of the application, this report confirms that the proposed marina will not adversely affect nature conservation values or wildlife habitat.

As discussed above it is my opinion that the proposal will not be overly dominant in the visual catchment in which it will be viewed. The marina will be highly visible from a number of localities however is not considered to be viewed as an obtrusive or unsuitable element.

The marina will provide an alternative for people to use permanent marina berths and potentially reduce the demand for moorings and jetties dispersed around the shoreline.

The marina is for private use. Public access to the marina is provided for along the floating pontoon but the public will be restricted from walking on the main marina stems. I consider that public access could be extended to some of the marina stems. I accept that for security reasons access at night time should be restricted.

It is my opinion that the marina proposal in this location will be compatible with the existing scenic and amenity values in the Frankton Arm.

It is not considered that the marina will affect the activity of the T.S.S Earnslaw; as while the Earnslaw does periodically on occasion travel around the Frankton Arm the marina is located away from the primary travel route of the Earnslaw and is in shallower waters.

The proposal is considered to result in levels of traffic congestion and a reduction in levels of traffic safety which will generate adverse effects.

5.4.2.3 (xxiii) Nature and Scale of Activities

Some of the listed assessment matters have been previously addressed such as compatibility, character of the site, noise and visual impact and traffic generation and in order to avoid repetition I have not reassessed these matters. The application has applied for consent under Rule 5.3.5.1 (iii)(c) in respect which requires that no goods materials or equipment shall be stored outside a building. It is noted that there will be no manufacturing or processing anticipated outside of the marina buildings. The applicant has also sought consent for the repairing of boats. There are no repair facilities provided on site as boat owners will not be allowed to carry out major repairs on their boats. However, it is stated that commercial operators could possibly carry out minor routine maintenance necessary for their daily operations.

In terms of assessing the scale of the proposal the application has compared the effects in terms of what was consented to and what is now proposed, stating:

“The area of Lake Wakatipu occupied by the earlier proposal was about 4.5 hectares whilst the proposed lease area will occupy 6.9 hectares. It is stated that a considerable portion of this is for the placement of the screw anchor, what will be seen on the surface is considerably less. The new proposal has 45 less marina berths, 41 less car parks the buildings are smaller in scale and single storey and the development will have 74% of the commercial area of the consented marina”

I agree that the scale is less than consented and largely appropriate in the locality. The Landscape architect has raised an issue in respect of landscape and visual amenity in relation to the foreshore adjacent to the Mantra Marina apartments.

5.4.2.3 (xxiv) Retail Sales

In respect of (a) it is considered that the size, location and design of the parking and loading area and its relationship to the proposed facilities have been designed in such a way as to ensure that it encourage vehicles to park at the site. With reference to (b) there are no provisions for parking on the State Highway. Pedestrian access to the site will be improved by the addition of footpaths and a separation between vehicles, pedestrian and cyclists. The Frankton Track will be upgraded in the locality and it is anticipated that this will become an increasingly popular access to the site. With

respect to (c) Council's Engineer has not raised any concerns with respect to the capacity of the car parking spaces.

5.4.3.2 - (xxvii) Earthworks

The proposed erosion and sediment control techniques are considered to be appropriate to ensure any significant adverse effects are avoided or mitigated. Council's Engineer is satisfied with the proposal, it is not considered that the proposal will affect any storm water or overland flows. It is anticipated that the works be undertaken in as shorter time as possible but it is noted that settlement periods are required for the reclaimed car park area.

Although the site is not steep, a geo-technical report has been provided and assessed. Council's Engineer is satisfied that the earthworks for the site are feasible and in his opinion will not result in land instability beyond the site provided the recommended conditions are applied.

Appropriate dust control measures form part of the application.

In respect of groundwater the necessary issues will be assessed by the Otago Regional Council.

In respect of effects of earthworks on the landscape and visual amenity values, as discussed earlier in the report it is not considered that there will be any significant adverse effects.

In respect to effects on adjacent sites all earthworks will be carried out in accordance with engineering standards. The earthworks are located at sufficient distances from neighbouring properties so that cuts will not affect the stability of these sites.

With regard to effects on general amenity values by the earthworks and construction phase it is considered that it will affect the surrounding properties, however the application as submitted and conditions requiring the consent holder to submit a traffic management plan and a construction management plan for approval will avoid any significant adverse effects on the surrounding properties. Given that residential dwellings and apartments are located in reasonably close proximity construction hours are recommended to be restricted to 7:30am - 6pm Monday –Friday and 7:30am - 12 noon on Saturday with no work occurring on Sunday and Public Holidays.

With regard to the impact on sites of cultural heritage, Lake Wakatipu is a Statutory Acknowledgement Area and tangata whenua have been notified and have made a submission in opposition to the application (this has been discussed previously). It is noted that the subject site does not contain any recorded archaeological sites, however the Historic Places Trust were notified and have made a submission concerning the potential for archaeological features to be discovered. The applicant has volunteered an advice note in this regard.

In summary the earthworks have potential to affect the neighbouring properties and water quality in terms of amenity values, however it is considered that these effects can be mitigated by appropriate site management including extensive mitigation in association with works in/near the water and site management plans including for hours of operation, noise and general site operations to ensure that both neighbouring residents and commercial operators are not unduly affected. It is noted that no agreement has been reached with the NZTA.

The proposal is considered to be generally aligned with this assessment criteria in respect of sediment control, and general construction effects but unresolved matters remain regarding the State Highway intersection.

Residential Zone Assessment Matters

Only a small portion of the site is zoned Low Density Residential. This area will be occupied by the car park area in the north western corner.

Part 7.7.2 (xi) Discretionary Activity and Zone Standard - Retail Sales

With exception of the intersection the traffic and pedestrian activity has been found to be compatible with the character of the area. Any adverse effects associated with traffic noise and vibration, fumes, glare and impact on street parking are considered to be minor in nature. However, in respect of 7.7.2 (xi)(b)(iii) in relation to the State Highway intersection there are identified issues of concern regarding the congestion, traffic safety and cumulative effects of traffic generation. It is considered that the commercial use (including retail) would make a significant contribution to vehicle movements onto and off the State Highway beyond that which might normally be associated with marina activities.

It is considered that the size, location and design of the parking and loading area and its relationship to the proposed facilities have been designed in such a way as to ensure that it encourage vehicles to park at the site, there are no provisions for parking on the State Highway. Pedestrian access to the site will be improved by the addition of footpaths and a separation between the uses. The Frankton Track will be upgraded in the locality and it is anticipated that this will become an increasingly popular access to the site.

Part 7.7.2 (xxiv) Nature and Scale of Non-Residential Activities

The matters addressed in this assessment criteria have been previously assessed and found to satisfy the criteria.

Part 7.7.2 (xxxv) Earthworks

The matters addressed in this assessment criteria have been previously assessed and found to satisfy the criteria.

Part 14 Transport

14.3.2(v) Access

The proposed car park has a queuing length of 24 metres as opposed to the required 30 metres. The assessment by the respective traffic experts have concluded that this non-compliance will not have a detrimental impact on the safety of the car park.

The Council Engineer has not raised any issues with respect to sight distances.

Consent has been sought for a wider access into the site being 14-15m in width, as opposed to the 9 metres sought by the District Plan standard. Council's Engineer considers that given the nature of the car park layout a wider entrance than 9m is not recommended as this can promote unsafe vehicle behaviour such as straight lining and provide an unacceptably large crossing distance for pedestrians and cyclists using the Frankton Track. In his opinion a compliant 9m wide entrance would still allow larger vehicles to negotiate the turns and the added queuing length can be provided by the slip lane. In terms of (d) the hours of operation of activities on the site may coincide with the peak flows and vehicle queues on the road, particularly for boaties who want to access their boats after work, when it is peak traffic on the Highway.

Assessment Matters - Summary

Overall, the assessment matters emphasise those matters drawn out within the effects section of this report which are still of concern such as resulting traffic effects on the intersection, and they assist in providing guidance on those areas which further attention but could be dealt with by way of appropriate conditions of consent.

OBJECTIVES AND POLICIES

Relevant objectives and Policies of the District Plan are as follows:

Part 4 – District Wide Issues

Natural Environment

Objective 1 - Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands

The protection of the habitat of trout and salmon.

The key consideration is the preservation of the natural character of the Lake and its margins, and the maintenance of the quality of the water, along with the protection of the landscapes.

The proposal is consistent with this objective given the existing character of the site and area. This area is not considered to be an area that exhibits natural character due to the landform modifications that have occurred. The development of this area of the lake and its margins will not result in a degradation of nature conservation values. Appropriate management and monitoring both during construction and operation will ensure that the water quality of the lake is maintained.

Landscape and Visual Amenity

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

With reference to the discussion above, it is considered that the proposal will not have significant adverse effects on landscape and visual amenity values.

Associated policies of relevance are:

1. Future Development

(a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.

(b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.

(c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

The development has not been located in an area that is vulnerable to degradation. The Council consulting Landscape Architect has found that area is able to absorb the marina and will not detract from the landscape and visual amenity values.

2. Outstanding Natural Landscapes (District Wide/Greater Wakatipu)

- (a) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (b) To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
- (c) To allow limited subdivision and development in those areas with higher potential to absorb change.*
- (d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.*

Council's consulting Landscape Architect Ms Mellsop has assessed the visual effects and found that the site is in a broadly visible expanse of the lake and the proposed marina development would reduce the open character of the Frankton Arm, however, Ms Mellsop considers the extent of adverse effect on the openness would be acceptable, taking into account the context of the proposal.

Ms Mellsop considers that the site does not retain a high level of natural character, and that this part of the Lake Wakatipu landscape has the potential to absorb development of the scale and nature proposed without significant adverse effects occurring.

The proposal is not contrary to these policies.

9. Structures

To preserve the visual coherence of:

- (a) outstanding natural landscapes and features and visual amenity landscapes by:*
 - encouraging structures which are in harmony with the line and form of the landscape;*
 - avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*
 - encouraging the colour of buildings and structures to complement the dominant colours in the landscape;*
 - encouraging placement of structures in locations where they are in harmony with the landscape;*
 - promoting the use of local, natural materials in construction.*

The proposal is not considered to be entirely consistent with these policies given it will result in a structures which is not necessary 'in harmony' with the form of the landscape, and whereby colours will not be complementary with the dominant colours of the landscape. However, it is noted that the on land built form proposed will not be located on the skyline, ridges, or prominent slopes or hilltops. Therefore the proposal is not considered contrary to this objective and associated policies.

- (c) All rural landscapes by*
 - limiting the size of signs, corporate images and logos*
 - providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.*

The signage proposed on the buildings will be limited in size such that the proposal is considered to meet this policy. The development is setback significantly from the State Highway and also maintains setbacks to Sugar Lane. The marina structure will be visible in parts from various roads but will not significantly detract from amenity values associated with these views.

12. Transport Infrastructure

To preserve the open nature of the rural landscape by:

••

- *encouraging the location of roads, car parks and tracks along the edges of existing landforms and vegetation patterns.*
- *encouraging shoreline structures, such as jetties, to be located only where they are visually contained by the topography, e.g. coves or bays*
- *requiring that all disturbed areas be revegetated at the end of construction.*
- *encouraging where appropriate car parks to be screened from view.*
- *requiring the adverse effects of large expanses of hard surface car parks be avoided by planting and earthworks.*

The proposed marina structure and the associated shoreline structures are located in an area which is considered visually contained by the topography, the Frankton Arm, more specifically the proposal cannot be described as being contained within any specific cove or bay within the Frankton Arm. The marina structure will extend outwards into the open area of the Frankton Arm. In this regard the proposal will not preserve the open nature of this rural landscape being the lake. The earthworks will be appropriately managed (and conditioned) to ensure re-vegetation of disturbed areas is carried out. The car park is located in an area that is visible in the immediate locality, but will be screened by existing built form from the wider environment.

17 Land Use

To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.

The proposed land use will not have significant adverse effect on the visual coherence of the landscape, it is not considered that in the context of the site and location within the lake, that the proposal will appear visually unsuitable. However, the marina will have an effect on the currently open character of the lake in this location. The works on land are considered to be designed to minimise adverse effects in this location. This policy is met.

Takata Whenua

Objective 1 - Kaitiakitanga (Guardianship)

Recognition and provision for the role of Kai Tahu as customary Kaitiaki in the District.

- 1.1 To ensure the kaitiaki role of iwi, via the appropriate Runanga, is achieved through on-going consultation on policy development relating to the natural and physical resources of the District.*
- 1.2 To incorporate communication protocols for ensuring appropriate kaitiaki runanga are consulted on all relevant cultural matters in the District in accordance with Section 93 of the Act.*
- 1.3 To recognise the "Kai Tahu Ki Otago: Natural Resource Management Plan" as a resource which can form the basis for consultation between Kai Tahu Runanga and Council (Section 74 of the Act)*

As per the notification process local runanga were been served notice and have submitted on the application. Through this process the runanga have emphasised matters such as the importance of cultural landscape, water quality, management of pest species and bilge water.

Objective 4 – Mahika Kai

1 The retention of the high quality of the mountain waters, and the retention and improvement of the water quality of the tributaries and water bodies of the District through appropriate land management and use.

4.8 To maintain and enhance public access to the District's public forests and lakes and rivers and wetlands, having regard to their traditional importance as mahika kai.

It is not clear from the submission how the Runanga feel in respect of the matters addressed by policy 4.8 which seeks to maintain and enhance public access to the District's lakes. As discussed in the body of this report, the proposal is considered to enhance public access to the lakeshore of the immediate area and potentially the availability of the lake as a boating resource given the facilities

provided by the marina. It would be appropriate if public access was allowed on the actual marina structure during the day. I agree that it might be appropriate to restrict access at night time. It is not clear in the submission if this is actually important to runanga in terms of access to the lake.

Open Space and Recreation

Objective 2 – Environmental Effects

Recreational activities and facilities undertaken in a way which avoids, remedies or mitigates significant adverse effects on the environment or on the recreation opportunities available within the District.

2.1 To avoid, remedy or mitigate the adverse effects of commercial recreational activities on the natural character, peace and tranquillity of the District.

2.2 To ensure the scale and location of buildings, noise and lighting associated with recreational activities are consistent with the level of amenity anticipated in the surrounding environment.

The site has a long association with marina based activities. It is not expected that there will be any significant adverse effects arising.

Objective 3 - Effective Use

Effective use and functioning of open space and recreational areas in meeting the needs of the District's residents and visitors.

3.1 To recognise and avoid, remedy or mitigate conflicts between different types of recreational activities, whilst at the same time encouraging multiple use of public open space and recreational area wherever possible and practicable

3.2 To ascertain and incorporate the needs of communities by encouraging effective public participation in the design, development and management of public open space and recreational areas.

3.3 To encourage and support increased use of private open space and recreational facilities in order to help meet the recreational needs of the District's residents and visitors, subject to meeting policies relating to the environmental effects of recreational activities and facilities.

The proposal is considered to contribute to the effective use, along with the successful functioning of open space and recreational areas (including Lake Wakatipu) in the District. The proposal will assist in meeting the needs of the District's residents and visitors as evidenced by the supporting submissions which commonly raise the issue that the marina is a long overdue facility and it is required to meet the recreational needs of the residents.

The proposal will provide for multiple uses of the space, including passive recreation, boating facilities and will encourage increased use of this space and recreational facilities without undue adverse effects.

Therefore the proposal is considered to give effect to the above objective for the district wide consideration of open space and recreation.

Surface of Lakes and Rivers

Objectives:

Recreational activities undertaken in a manner which avoids, remedies or mitigates, their potential adverse effects on:

- *natural conservation values and wildlife habitats,*
- *other recreational values,*
- *public health and safety,*
- *takata whenua values, and*
- *General amenity values*

This is a key objective for the consideration of this application. The adverse effects on the above matters listed within this objective have been discussed and considered in the body of this report.

The associated policies are:

*1 To identify the different types of lakes and rivers in the District and the different recreational experiences offered by these lakes and rivers, in terms of:
(a) outstanding natural characteristics, wild and scenic beauty, aesthetic coherence, biological diversity, ecosystem form, function and integrity, sense of isolation and recreational amenity;
(b) multiple use and proximity to population centres.*

The location of the proposed marina will offer, and has historically offered a different type of recreational experience from that of one of wild and scenic beauty and a sense of isolation which can be found in other locations within Lake Wakatipu and the district. The location is one which offers multiple use in close proximity to Frankton and Queenstown.

2 To enable people to have access to a wide range of recreation experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

The proposal will enable further people to have access to a range of recreational experiences both through the increased access to boat storage and launching and through the treatment of the lakeshore which will encourage active and passive use of the area. This is not considered to be out of character with the existing environment.

3. On each lake and river, to provide for the range of recreational experiences and activities which are most suited to and benefit from the particular natural characteristics.

The marina will provide for recreational opportunities for the lake. The proposal is appropriate in terms of the range of opportunities available and will be located in an area with a long association with marine activity. The topography of Frankton Arm will provide relative sheltering to the facility.

4 To avoid or mitigate the adverse effects of frequent, large-scale or intrusive activities such as those with high levels of noise, vibration, speed and wash.

The proposal is not considered to result in adverse effects in terms of the above.

5 To avoid the adverse effects of motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

The applicant's ecologist report has concluded that with appropriate operational management it is not anticipated that there will be any significant effect in terms of the local ecology. The proposal may displace some recreational use in the immediate foreshore area but this is not considered to be significant.

7 To avoid and protect the environment from the adverse noise effects of motorised watercraft.

This issue has been discussed in the environmental effects assessment.

12 To avoid adverse effects on the public availability and enjoyment of the margins of the lakes and rivers.

The proposal is considered to increase the public availability and enjoyment of the margin of the lake in this location.

13 To ensure that the location, design and use of structures and facilities which pass across or through the surface of any lake and river or are attached to the bank of any lake and river, are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.

These matters have previously been discussed and with respect to the assessment undertaken in this report the proposal is not considered to be contrary to this policy. In particular it is noted that navigational safety requirements will be adhered to in terms of the lighting of the marina.

15 To avoid unnecessary duplication of resource consent procedures between the District and Regional Councils.

The application is being jointly heard with the ORC.

16 To encourage the use and development of marinas and marina activities in a way which avoids and, where necessary, remedies and mitigates adverse effects resulting from marina activities on the environment.

This is a key policy for consideration. The policy encourages the development of both the marina and marina activities, in a way which avoids adverse effects. In the context of the above assessments it is considered that the proposal generally does so, with the exception of the adverse effects of traffic to and from the marina site. Of note is the direction provided by this policy that the development of the marina and associated facilities is encouraged as a district wide matter.

Further related guidance is provided within this section of the Plan as follows:

Marinas are considered important bases providing landing, storage and loading facilities for residents as well as providing convenient access points for visitors. In effect they are a transitional area between land and water thus having effects on land such as car parking and the surface of water such as the structures themselves. Marinas have the advantage of concentrating resources which mitigate the effects of many such structures spread over lakes and rivers. It is equally important that the adverse effects of marina use and development, such as visual insensitivity and congestion in inappropriate areas is avoided, remedied or mitigated

This discussion repeats the themes traversed in this report. Overall, the proposal is considered to meet the policies outlined above, to give effect to this key objective for surface of water activities.

Environmental results anticipated can also assist in a consideration of this application. Those for the surface of water activities relevant to this application are listed as follows:

4.6.4 Environmental Results

- (i) Use of the District's rivers and lakes for a wide range of recreational and commercial activities, consistent with the particular natural characteristics of each lake and river and its environmental limits.*
- (ii) Retention of opportunities for remote experiences, peace and tranquillity on and adjoining lakes and rivers within the District, including some lakes and rivers reasonably close to settlements.*
- (iii) Opportunities for adventurous, active recreation on lakes and rivers close to settlements.*
- (iv) Minimal adverse effects of activities on the significant natural conservation values of lakes and rivers.*
- (v) Reduction in noise nuisance from motorised boating on the lakes and rivers.*
- (vi) The avoidance or mitigation of adverse effects on safety.*

(viii) Continued public availability and enjoyment of the margins of lakes and rivers, their natural characteristics and visual amenity

On assessment of the matters raised in this report, the proposal will in my opinion contribute to meeting these environmental results.

Natural Hazards

Objective 4.8.3

Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.

This issue has been assessed in the environmental effects assessment and any adverse effects have been assessed as minor, and appropriate conditions of consent have been recommended where relevant.

Earthworks

Objectives

To avoid, remedy or mitigate the adverse effects from earthworks on:

- (a) Water bodies*
- (b) The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.*
- (c) Land stability and flood potential of the site and neighbouring properties*
- (d) The amenity values of neighbourhoods*
- (e) Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites*
- (f) The water quality of the aquifers.*

With extensive and effective conditions of consent along with collaboration with the Otago Regional Council's consents and requirements it is considered that the above objective with respect to earthworks on the site can be met, in particular with respect to waterbodies, such that effects resulting are appropriately avoided or mitigated.

Part 5 Rural Areas

Relevant Objectives and Policies for this zone are:

Objective 1 - Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

Policies:

- 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*
- 1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*

- 1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*

As above, the landscape and character values have been fully considered, and given the Rural General zoned land in question, that the proposal will not result in land with potential for rural productive activities being compromised by the development. Similarly it is considered that rural character will not be adversely impacted given the characteristics of the site. I consider that the lake in this location has the potential to absorb the change that will be imposed by the marina structure.

Objective 4 - Life Supporting Capacity of Water

To safeguard the life supporting capacity of water through the integrated management of the effects of activities

4.1 In conjunction with the Otago Regional Council:

- To discourage activities, which adversely affect the life supporting capacity of water and associated ecosystems.

This application is being jointly heard with the ORC. With appropriate conditions of consent management the life supporting capacity of water will be safe guarded.

Part 7 Residential

Objective 4 - Non-Residential Activities

Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.

4.1 To enable non-residential activities in residential areas, subject to compatibility with residential amenity.

4.2 To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic wellbeing while protecting the surrounding residential environment.

It is noted that with respect to this objective and associated policies that the marina development in this location is 'scheduled' in the plan by way of a designation in the form of Local Purpose Reserve which acknowledges the anticipated use of this area. The non-residential activities proposed will be associated with the marina use and therefore will create a node of non-residential activity associated with the anticipated, and to an extent, existing character of the area.

The activities will meet the community needs and with respect to further attention to public access it can be done so in a way which does not unduly undermine residential amenity.

Part 14 – Transport

Objective 1 – Efficiency

Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation.

The relevant supporting policies are:

1.2 To promote the efficient use of all roads by adopting and applying a road hierarchy with associated access standards based on intended function.

1.3 To promote the efficient use of roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.

1.4 To protect the safety and efficiency of traffic on State Highways and arterial roads, particularly State Highway 6A, by restricting opportunities for additional access points off these roads and by ensuring access to high traffic generating activities is adequately designed and located.

1.8 To consider options for encouraging and developing greater use of public transportation facilities and in particular to continue to investigate the options for alternative transport means.

1.10 To require access to property to be of a size, location and type to ensure safety and efficiency of road functioning.

Two general themes result from these policies, being that of ensuring that the existing roading network is safely and efficiently utilised, both with respect to roading hierarchy (State Highway particularly) and parking, and to consider and encourage alternative forms of transport.

The proposal is not considered to meet this objective with respect the intersection, the traffic advice is such that the intersection to the site from the State Highway is not in its present form capable of providing for the traffic generated by the proposal. This could have an adverse effect on the safety and efficiency of the State Highway.

The marina development will increase the potential for provision of facilities associated with future water-based transport utilising the lake resource.

Objective 2 - Safety and Accessibility

Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.

Policies:

2.1 To maintain and improve safety and accessibility by adopting and applying a road hierarchy with associated design, parking and access standards based on the intended function.

2.2 To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.

2.3 To ensure access and movement throughout the District, and more particularly the urban areas, for people with disabilities is not unreasonably restricted.

2.4 To encourage the development of pedestrian and cycle accessways, within the main townships.

The matters relating to safety and capacity have been previously assessed and it is considered that the intensity of the activity is not currently compatible with the road capacity existing to ensure safety. Pedestrian and cycle travel has been provided for within the development.

Objective 5 - Parking and Loading – General

Sufficient accessible parking and loading facilities to cater for the anticipated demands of activities while controlling adverse effects.

Policies:

- 5.1 *To set minimum parking requirements for each activity based on parking demand for each land use while not necessarily accommodating peak parking requirements.*
- 5.2 *To ensure business uses have provision for suitable areas for loading vehicles on-site.*
- 5.3 *To ensure car parking is available, convenient and accessible to users including people with disabilities.*
- 5.4 *To require all off-street parking areas to be designed and landscaped in a manner which will mitigate any adverse visual effect on neighbours, including outlook and privacy.*
- 5.5 *To require the design of parking areas to ensure the safety of pedestrians as well as vehicles.*

These matters emphasise the importance of issues discussed above in terms of the provision of parking, loading areas, pedestrian safety in conflict areas, and access and parking for all users. The policies also look to ensure that car parking areas are appropriately landscaped. Additional landscaping should be provided in the vicinity of the Mantra Marina Apartments in order to ensure adverse effects from vehicle lighting, dust and noise are mitigated.

Objective 6 - Pedestrian and Cycle Transport

Recognise, encourage and provide for the safe movement of cyclists and pedestrians in a pleasant environment within the District.

Policies

- 6.1 *To develop and support the development of pedestrian and cycling links in both urban and rural areas.*
- 6.2 *To require the inclusion of safe pedestrian and cycle links where appropriate in new subdivisions and developments.*
- 6.3 *To provide convenient and safe cycle parking in public areas.*

The proposal is considered to positively meet these provisions of the plan.

Objective 7 - Public and Visitor Transport

Recognition of public transport needs of people and provision for meeting those needs.

Policies:

- 7.1 *To plan and encourage an efficient pattern of public transport.*
- 7.2 *To investigate opportunities for public transport as an alternative to, or in association with, changes or extensions to the major road network.*
- 7.3 *To promote and investigate opportunities for a public transport link between Queenstown and Frankton.*

In general terms the proposal is considered to have the potential to contribute to this important issue of considering and implementing alternative public transport routes within the area, especially between Queenstown and Frankton. The marina and associated services are seen as a potential key node in the development of a water-based service to provide for such.

Part 18 – Signs

Objective 1 – Outdoor Signs

Outdoor signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience and access or on the visual amenities of the District's important landscape, townscape, heritage and water area values.

Policies:

- 1 *To ensure the number, size, location and nature of outdoor signs in different areas are in accordance with the character and amenity of those areas and the community's desire to maintain and/or enhance the environment, appearance or visual amenity through attention to:

 - *lettering design*
 - *site specific locations*
 - *relationship to background surroundings*
 - *the number, area and height of signs*
 - *ensuring signs are designed in sympathy with local amenity, visual and heritage values*
 - *the effect of illumination on adjoining properties and public places.**
- 2 *To ensure that waterfront signage only provides essential information and directions for people.*
- 3 *To ensure the display of outdoor signs does not adversely affect traffic safety by causing confusion or distraction to, or obstructing the views, of motorists or pedestrians.*
- 4 *To ensure all signs are constructed and placed in a manner which does not pose a danger to property or people.*
- 5 *To ensure outdoor signs in or over public places or attached to utilities, community facilities or public reserves, other than in business areas, are limited to signs necessary for direction, public information or public safety.*
- 6 *To enable a wide range of sign types within commercial areas consistent with public safety, access needs and the overall character of the area.*
- 7 *To ensure outdoor signs are limited to those relating to a particular activity, the use of land or buildings, and located on the site of that activity, land or building.*

The proposal is considered to generally accord with the above provisions considering the information provided on signage within the application which details that signage will predominantly consist of 'numbers and name for the 26 boatshed buildings and 0.5m² for the remaining four buildings. The proposal will meet this objective for signage taking into account the associated policies.

Overall, the proposal does not satisfy the relevant assessment matters and Objectives and Policies set down for the activity with respect to transport matters,, however the proposal is consider to accord with many of the objectives and policies of the Plan specifically District Wide issues including those for the surface of water.

9.0 DETERMINATION

9.1 LEGISLATIVE REQUIRMENTS

Under section 104D for a resource consent for a non-complying activity, a consent authority may grant or refuse the application, and if granted may impose conditions under sections 108 and 220.

Particular restrictions for non-complying activities are provided under section 104D, which specifies that a consent authority may:

'despite any decision made for the purpose of section 95A(2A)(a) in relation to adverse effects, a consent authority may grant a consent for a non-complying activity only if it is satisfied that either –

- a) The adverse effects on the environment will be minor; or*
- b) The application is for an activity that will not be contrary to the objectives and policies of the relevant plan*

9.2 EFFECTS ON THE ENVIRONMENT

As discussed the principal adverse effect considered to result is the traffic generation to and from the site as a result of the development and given the current state and capacity of the Sugar Lane/SH6A intersection, these potential safety and capacity adverse effects have not been remedied, mitigated or avoided.

It is not considered that there will be adverse effects more than minor in terms of character and amenity by way of the proposed use of the site including the buildings, landscape works and the marina structure on the lake, and I am of the opinion that positive effects will result by way of the creation of a public amenity spaces and public access to the lake. In terms of neighbouring residential properties, and the submissions received this assessment has been influenced to a degree by the permitted baseline which I consider could result in a built form similar to that proposed in this application.

Many potential adverse effects discussed above in terms of construction effects, noise, engineering issues, earthworks, and car park are considered to be adequately addressed by way of conditions of consent.

Overall the adverse effects are not considered to be minor.

9.3 OBJECTIVES AND POLICIES OF THE DISTRICT PLAN

An assessment has been undertaken in relation to the Objectives and Policies of District Plan.

Overall, based on my opinion as to the existing character, context, and planning framework of the subject site, it is considered that the proposal is in general accordance with the majority of the objectives and policies of the District Plan.

The objectives and policies which the proposal is not in accordance with are with respect to the traffic generation and the resultant effects on the safety and efficiency of the State Highway.

Given the key importance of these objectives and policies to the proposal, overall, the proposal is considered to be contrary to the objectives and policies of the Plan.

In this respect I find that the proposal as it stands does not pass the s104D 'gateway' test.

9.4 OTHER MATTERS

Two submissions raise the issue of the possibility of changing the zoning along Sugar Lane from Low Density Residential to Commercial. This is a matter that lies beyond the ambit of the resource consent process.

9.5 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Under Part 2 of the Act, section 7 specifies *Other Matters* that the consent authority shall have particular regard to in achieving the purpose of the Act.

Of relevance to the subject proposal are the following matters:

- a) *kaitiakitanga:*
- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *the maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon*

The proposal is considered an efficient use of the subject site and is located in an area on the lake where the Plan specifically anticipates a marina facility. A number of submissions have outlined that there is a need and demand for a marina facility and the associated land based support buildings. The proposal is considered to be an efficient use of the existing resources, and may contribute to the provision of further efficient use of the lake resource in terms of public transport.

It is also considered that the proposed marina development will provide for the enhancement of amenity values in this location. The proposal will enhance the amenity of this lakefront area by providing attractive areas for public use, pedestrian linkages, and will include high quality built form and landscaping. The amenity values of adjoining residential properties are not considered to be significantly affected.

In achieving the purpose of the Act, the consent authority is also required to recognise and provide for *matters of national importance* under s6 of the Act. The relevant sections are the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

While the natural character of the lake is recognised as a matter of national importance, in the context of this application there is not considered to be any significant risk of any loss of natural character of Lake Wakatipu given the existing character of the area and surrounding environment.

The application states that the area is highly modified and does not retain high natural character values. Therefore the proposed development is not considered to be inappropriate in this context, and is considered to have a positive impact in terms of (d) in relation to the enhancement of public access to and along the lake, this could be further enhanced by allowing public access out onto the marina stems.

This application promotes lake access, and makes available for public use and enjoyment further areas of the lake shore in an area which is currently modified to an extent whereby natural character values associated with significant areas of Lake Wakatipu will not be endangered.

The overall purpose of the Act is “to promote the sustainable management of natural and physical resources.”

The Act defines the term “sustainable management” as follows:

Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

With respect to the matters discussed above, the proposal is generally considered in keeping with the purpose of the Act, especially with respect to the matters of focus listed in sections 6 and 7 above.

However it is noted that a significant concern resulting out of this report is the traffic matters associated with the proposal. Where the scale of the effect is considered significant by traffic advice and by way of the submission by NZTA (being the controlling authority of the State Highway onto which the development accessed), the proposal cannot in my opinion be considered sustainable management of resources to enable the community to provide for its wellbeing.

While the proposal is considered an efficient use of the site and an appropriate facility in this location to provide water based activities, and that associated adverse effects in terms of site management, water quality and residential amenity can, in my opinion be appropriately avoided or mitigated, the above means that the proposal is not considered at this stage to meet the purpose and principals of the Resource Management Act 1991.

10.0 RECCOMENDATION

It is therefore my recommendation that consent is not granted to the proposal in its current form.

In the event that the traffic issues can be resolved I have attached as Appendix 1 recommended conditions of consent to assist the Commissioners.

Prepared by: Jane Sinclair
Planner

Reviewed by: Paula Costello
Senior Planner

Attachments:	Appendix 1	Proposed conditions
	Appendix 2	Summary of submissions
	Appendix 3a	Landscape Architect's Report
	Appendix 3b	Landscape Architect's Addendum Report
	Appendix 4	Engineering Report
	Appendix 5	MWH Report
	Appendix 6a	Environmental Health Report
	Appendix 6b	Environmental Health Addendum Report
	Appendix 7	Harbour Master Report
	Appendix 8	RM93/402
	Appendix 9	RM030918
	Appendix 10	RM051121
	Appendix 11	Environment Court Consent Order ENV-2008-CHC-168, 173, 175 & 180
	Appendix 12	QLDC Scuttlebutt magazine
	Appendix 13	Peter Petchey Report
	Appendix 14	Assessment Matters

Report Dated: 1 December 2014

APPENDIX 1

Proposed Conditions

RECOMMENDED CONDITIONS – LAND USE

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

- 'insert plan description and reference'

stamped as approved on date

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

To be completed prior to the commencement of any works on-site

3. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
4. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
- a) The provision of a water supply to each serviced unit within the development in terms of Council's standards and connection policy. This shall include an approved toby valve(s) and the costs of making these connections shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to the development in accordance with Council's standards and connection policy. The costs of the connection shall be borne by the consent holder.
 - c) The provision of suitable stormwater reticulation and connections from all impervious areas in the development to provide gravity drainage of the entire area to Lake Wakatipu. Also all existing Council and private stormwater shall be extended through the development area to Lake Wakatipu. The designs shall include full collection system details. The costs of the installation shall be borne by the consent holder.

- d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW4 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
- e) The provision of a sealed vehicle crossing that shall be constructed in accordance with Council's standards. All road markings and signage will be provided in compliance with MOTSAM, the NZTA Manual Of Traffic Signs And Markings.
- f) The provision of 10km/hr speed restriction signage to the development.
- g) Prior to commencing works, the consent holder shall submit to the Principal Engineer at Council for review and approval a construction site management plan for the works. This will include;
 - Construction methodology.
 - Stormwater and sedimentation management (eg to prevent material entering the lake and dust nuisance controls).
 - Site containment (prevent material tracking off site, construction parking areas, keeping Sugar Lane clear).
 - Co-ordination with residents and businesses (project signboard, letter drops, meetings).

The measures outlined in this condition are minimum required measures only. The principal contractor shall take proactive measures in all aspects of the site's management to ensure that virtually no effects are realised with respect to effects on the environment, local communities or traffic. The principal contractor shall recognise that this may be above and beyond conditions outlined in this consent. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project until exposed areas of earth are permanently stabilised. The site earthworks and construction of the marina shall be carried out in accordance with the provisions of the approved plan and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

- h) Where washdown water is proposed to be discharged into QLDC sewer mains (if any), the consent holder shall liaise with Council Engineers as to the appropriate design requirements.
 - i) The provision of car park lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any lighting installed on the private car parks shall be privately maintained and all operating costs shall be the responsibility of the lots serviced. Any lights installed on car parks shall be isolated from the Council's lighting network circuits.
 - j) Details of how the consent holder will provide maintenance to the unsealed carparking and manoeuvring areas, until such time as sealed.
6. Prior to commencing any works on the site the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The plan shall specifically detail the protection of other users of Sugar Lane, both vehicular and pedestrian, and show how Sugar Lane will continue to operate during the construction period. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor and shall ensure that the following requirements are met:
- a) Suitable site warning signage shall be in place on the road in both directions from the site entrance.

- b) Parking and loading for construction machinery and contractors vehicles shall ensure that safe, unobstructed vehicle access to neighbouring properties and the cycle trail is maintained at all times.
 - c) No loading and stockpiling of earth or other materials will take place on Sugar lane. Safety barrier fences and/or other suitable safety measures shall be installed to help ensure public safety including pedestrian and cycle trail users.
 - d) All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Engineer at Council prior to works commencing.
7. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name and telephone number of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the Emtech report (Lakes Marina Projects Ltd, dated 29th January 2014) and who shall supervise the earthworks and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the earthworks and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
8. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 15m into the site.
9. A bond shall be entered into, in a form to be determined by the Council's solicitors, to secure performance for the sealing treatment of all parking areas and associated access associated with this development, within 24 months of Stage 1 bulk earthworks completion. The cost of setting up the bond is to be borne by the consent holder. The bond shall be guaranteed by a financial institution approved by Council's solicitors. This resource consent shall not be exercised until the consent holder has provided evidence to the Council that the bond has been established. The bond shall be for a sufficient amount to cover the cost of sealing the site should the works not be undertaken in accordance with Condition (19C). The amount of such a bond shall be calculated by applying a 150% multiplier to the higher of two quotes from suitable contractors experienced in such works, using as a basis for their calculations engineered plans and specifications provided by the applicant. Such bond may be released upon completion of the sealing works.
10. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

- d) To address any adverse effects that arise as a result of the consented activity in relation to the safety and efficiency of the roading network in the immediate vicinity of the site.

To be monitored throughout earthworks

11. Only clean natural fill material shall be deposited at the site. This includes rock, sand, gravels, or clay - provided they are uncontaminated and can meet the compaction requirements of the site. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only.
12. All temporary retention systems or the final structure shall be installed immediately following excavation to avoid any possible erosion or instability, as determined by the person named in Condition (4).
13. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads/access ways by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
14. No earthworks, temporary or permanent, are to breach the boundaries of the site, except where prior written approval has been obtained from the affected landowner.
15. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
16. If at any time Council, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report, which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and buildings beyond this site. Depending on the outcome of this report a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for acceptance and approval.

On completion of earthworks and prior to occupation of the development

17. Within four weeks of completing the earthworks the consent holder shall submit to Council an as built plan of the fill. This plan shall be in terms of the New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".
18. On completion of earthworks [within building footprints] and prior to the construction of any land based building, a suitably qualified engineer experienced in soils investigations shall design the building foundations taking into consideration any areas of uncertified fill on-site. The finished floor levels of the buildings shall be designed to be higher than 311.70m above sea level and take into account infrequent flooding effects.
19. Upon completion of the earthworks, the consent holder shall complete the following:
 - a) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

- b) All earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 4 weeks.
20. Prior to the occupation of the development, the consent holder shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
 - c) The provision of 156 sealed car parks and 3 sealed bus parks with manoeuvring areas to Council standards and as shown on carpark layout drawing 3451-6E-2F and 3451-6E-3E submitted with the application. Parking and loading spaces shall be clearly and permanently marked out. The sealing of the 156 carparks and manoeuvring areas shall be completed within 24 months of Stage 1 bulk earthworks completion and delayed sealing shall not apply to the Sugar Lane crossing point, cycle trail crossing, bus parking areas, and the car parks located in the vicinity of Mantra Marina Apartments.
 - d) The consent holder shall provide suitably sized power connections to the development. The supply shall be underground from any existing reticulation and be in accordance with any requirements/standards of Aurora Energy/Delta.
 - e) The consent holder shall provide a suitable and usable telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Telecom.

Accidental Discovery Protocol

21. If the consent holder:
- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
- (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

22. All signs to be erected on the buildings shall be located within the identified sign platforms illustrated on the approved plans.
23. Prior to erection of new signs, each tenant shall submit plans and specifications of proposed signs to Council for certification.
24. The consent holder shall ensure that the activities be so conducted that the following noise limits are not exceeded neither at, nor within, the boundary of any residential site in the residential zone:
- daytime (08:00 – 20:00) 50 dB $L_{Aeq(15\ min)}$
 night-time (20:00 – 08:00) 40 dB $L_{Aeq(15\ min)}$
 night-time (20:00 – 08:00) 70 dB L_{AFmax}
25. The consent holder shall ensure that the activities associated with construction will not exceed noise limits neither at, nor within, the boundary of any residential site in the residential zone:
- daytime (07:30 -18:00) 70 dB $L_{Aeq(15\ min)}$ or 85 dB L_{AFmax}
26. Prior to any development of the site, the consent holder shall submit to Resource Consent Manger, QLDC a Noise Management Plan for approval. The plan must include management of noise associated with both operation and construction at the site in addition to complaint management. The plan shall become the approved Noise Management Plan and the operation and management of the premises must be carried out in accordance with the approved Noise Management Plan.
27. Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Stationary Container System Test Certificate required under the Hazardous Substances (Dangerous Good and Scheduled Toxic Substances) Transfer Notice 2004.
28. Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Location Test Certificate required under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.
29. The consent holder shall provide a copy of the annual Hazardous Substances Location Test Certificate, within 8 weeks of the renewal date.
30. Final colours and materials for buildings, structures and hard landscaping surfaces shall be submitted to the Resource Consent Manager: QLDC prior to development commencing on the site. In this instance, the final colour scheme for all buildings, structures and landscaped surfaces shall appear appropriately recessive throughout all seasons of the year, and lie within the natural colour

ranges of browns, greens and greys as indicated throughout the surrounding landscape. Materials shall be in accordance with those outlined in the application.

31. Any lighting associated with the commercial buildings and the marina shall be restricted to down-lights only. The consent holder shall submit a lighting plan prior to development commencing on site to show that all lighting on the site will be consistent with QLDC's Southern Light lighting strategy, and to ensure that lighting is designed to avoid excessive light spill while maintaining public safety.
32. The final designs of all the marina structures and geotechnical work shall be peer reviewed by a suitably qualified and experienced independent third party engineer prior to the final designs being submitted with a copy of the peer review to the consent authority.

Dust

33. The consent holder shall take all practicable steps, including the use of appropriate dust suppression measures, to minimise the creation of a dust nuisance during the construction stages of the development.

Hours of Operation during the Construction Period

34. Hours of work under this consent shall be from 7:30 am to 6.00 pm, Monday to Friday. Works shall not be undertaken on Public holidays.

Marina Operations

35. Not less than one month prior to completion of Stage one of the development the consent holder shall submit to the consent authority for approval a Marina Operations Plan. The contents of this plan shall include but not necessarily be limited to the following matters:
 - (i) A full description of all activities that will take place at the marina development site, including any associated facilities and buildings.
 - (ii) The measures that will be put in place to control traffic and parking, including a parking allocation plan illustrating the on-site provision of the required number of car parks for each proposed activity/use within the Marina buildings in accordance with the parking ratios set out in Part 14 (Table 1) of the District Plan. No change in use is permitted without prior consent from Council.
 - (iii) The measures that will be put in place to control noise. Noise management shall be in place to ensure that activities (other than outdoor recreation) shall be conducted such that the following noise levels are not exceeded at the boundary of the site:
 - during day time 50 dBA L10
 - during night time 40 dBA L10

- (iv) Details of the hours of operation of the marina and its associated facilities. Hours of operation for the activities within the Marina buildings shall not extend beyond 7am – Midnight.
 - (v) The measures that will be adopted in the event that there is any spillage or deposition of hazardous substances, including fuels and oils, into or on to any water body (Lake Wakatipu), watercourse, or the land.
 - (vi) That commercial use of the buildings is ancillary to the marina use as intended in the application such as jet boat operators, boat servicing operators, boat hire charters, and marine retail activities.
36. No boats or motorised craft berthed at the marina shall be used at any time for overnight residential or visitor accommodation activities, or for activities sensitive to aircraft noise (as defined in the definition chapter of the District Plan as amended by Plan Change 35).

Landscaping conditions yet to be determined

The landscape architect has recommended that amendments to the proposal be made to protect and enhance the visual amenity and natural character of the proposed promenade adjacent to the marina and that potential methods for ensuring the continuity and legibility of the foreshore walkway/cycleway be clarified.

- 36. Prior to development commencing on the site, final landscaping treatment, planting plans and cross-sections shall be submitted to the consent authority for landscaping in the vicinity of the Mantra Marina Apartments. The plans shall specify the location, planting densities and species of all vegetation indicated on the plans. The final species of vegetation proposed should place emphasis on the use of native plants that are also indigenous to the Wakatipu area and be designed to reduce the effect of headlights from cars using the car park.
- 37. The details of street furniture, including any structures to be provided on the site for the disposal and recycling of waste, and seating, shall be submitted to the consent authority prior to development commencing.
- 38. Prior to development commencing on the site, the consent holder shall submit to Resource Consent Manager, QLDC new landscape plans detailing the surface treatments for all public areas, including the car park, detailed pedestrian crossing, and detail the wide linkages to the Queenstown trail.

Advice Note

- 1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
- 2. The consent holder is advised that the retaining walls proposed in this development which exceed 1.5m in height or walls of any height bearing additional surcharge loads, including the esplanade retaining wall, will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
- 3. No assessment has been made for onsite precast operations as no details have been provided with the current application. The applicant is advised this may require separate consent should this be a favoured method of construction.
- 4. No further signs, such as window signs or sandwich boards, are permitted by this resource consent.

RECOMMENDED CONDITIONS - SUBDIVISION

General

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

- 'insert plan description and reference'

stamped as approved on date

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

To be completed prior to the commencement of any works on-site

4. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
5. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
- a) The provision of a water supply to the development in terms of Council's standards and connection policy. This shall include an approved toby valve(s) and the costs of making these connections shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to the development in accordance with Council's standards and connection policy. The costs of the connection shall be borne by the consent holder.
 - c) The provision of suitable stormwater reticulation and connections from all impervious areas in the development to provide gravity drainage of the entire area to Lake Wakatipu. Also all existing Council and private stormwater shall be extended through the development area to Lake Wakatipu. The designs shall include full collection system details. The costs of the installation shall be borne by the consent holder.

- d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW4 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
 - e) The provision of a sealed vehicle crossing that shall be constructed in accordance with Council's standards. All road markings and signage will be provided in compliance with MOTSAM, the NZTA Manual Of Traffic Signs And Markings.
 - f) Where washdown water is proposed to be discharged into QLDC sewer mains (if any), the consent holder shall liaise with Council Engineers as to the appropriate design requirements
6. Any earthworks required for the provision of access and services associated with this subdivision shall be carried out in accordance with the conditions of the Land Use Consent: Earthworks, as outlined above.

To be completed before Council approval of the Survey Plan

7. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
- a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

To be completed before issue of the s224(c) certificate

8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
- a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
 - c) The completion and implementation of all works detailed in Condition (5) above.
 - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area/boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area/boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
 - f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

- g) The consent holder shall complete the landscaping layout plan as approved by this resource consent, dated XXXXX.

Advice Note:

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.

APPENDIX 2

Summary of Submissions

<p><u>#1</u></p> <p>Queenstown Airport Corporation (QAC).</p> <p>Wishes to be heard</p>	<p>Queenstown Airport</p>	<p>Concerned for the marina to be used for activities sensitive to aircraft noise (ASAN).</p> <p>QAC has recently gone through the process of amending the District Plan air noise boundaries, the associated zone provisions and the airport designation. This set in place a land use management regime to restrict the potential for new ASAN's to locate in close proximity to the airport.</p> <p>The proposed marina is within the Outer Control Boundary (Plan Change 35) and establishment of new ASAN's within the Outer Control Boundary is a prohibited activity pursuant to Rule 5.3.3.5(iii) of Plan Change 35.</p> <p>The application states that <i>"no residential or visitor accommodation, or overnight accommodation on boats at the site is to be permitted"</i>. QAC support this statement.</p> <p>QAC submits that allowing new ASAN's such as residential or visitor accommodation in this location would undermine the integrity of the District Plan.</p>	<p>Request that if granted the following condition is imposed.</p> <p><i>"No boats or motorised craft berthed at the marina shall be used at any time for overnight residential or visitor accommodation activities, or for activities sensitive to aircraft noise (as defined in the definition chapter of the District Plan as amended by Plan Change 35)."</i></p>
<p><u>No.2</u></p> <p>Basil Walker</p> <p>Not stated.</p>	<p>39 Man Street, Queenstown</p>	<ul style="list-style-type: none"> -People, recreation, water and boats are part of the natural environment. -Water is the major component of the lake and the foreshore is the boundary. -The lake is used for recreation, and recreation within the lake is the natural highway for boating. The marina will be parking on the Lake. -Do not trivialise the application by focussing on effects that are natural by cause. -Protection of habitat and inhabitants has been addressed by reports. These reports should be accepted. -Public protection of any man made effects can be controlled by planning rules. -Construction of retaining walls and the breakwater must be stated as Lake. Inclement weather is a major cause of despair and the retaining walls and breakwater are safety barriers for the water related infrastructure and users. -Reclamation and reorganisation of the foreshore has had precedence for over 100 years in New Zealand and the ORC would be disingenuous if there was a negative weighting in their decision. -Perceived visual effects require an approach contrary to the approach by landscape architects of visual corridors. -The foreshore has had rampant uncontrolled planting which obscures views of the lake and foreshore. The marina is mitigated as it is at lake level and visually obscured from anything but reasonable close vision. -The lake occupiers of the marina will constantly change and are a point of interest not a negative aspect of the visual environment. -To not allow the application would be in disregard to the QLDC majority owned QAC airport and partnership promotion of the lifeblood of Queenstown Tourism and activities. 	<p>Support</p>
<p><u>No.3</u></p>	<p>157 Peninsula Road,</p>		<p>Support</p>

Andrew Hyndman	Kelvin Heights		
No.4 Quentin Rewi Position not stated if presenting	893 Frankton Road	The development will enhance and beautify the water front area, from what is currently present. It will allow an improved and controlled utilisation of the current designation for all lake front users.	Support
No.5 Geoff Stevens	66 Hensman Road, Queenstown	We are long overdue for the marina.	Support
No.6. Richard Stringer Not stated if presenting submission	40 Oregon Drive, Kelvin Heights	Support the development, it is a long overdue asset to our lake and this is.	Support
No. 7 Doug Reid	273 Tucker Beach Road, Queenstown	-The development will be a great asset to the area. -It will improve the visual amenity of the area and increase boating safety. -The single level buildings will protect neighbouring views. The current situation is an eyesore.	Support
No. 8 John Petre	515 Frankton Road	We have an outstanding boating lake but inadequate long term berthing facilities. This is an outstanding opportunity to secure a world class asset at no cost to the rate payer.	Support
No. 9. Ian Thomas Kirker	Owner of 21 & 23 Woodlands Close 11 Quartz Rise, 10/42 Hallenstein Street, 18/33 Melbourne Street.	Will offer a very good and needed infrastructure facility. Will enhance the safety and attraction of water pursuits. Will develop an area that is rundown and dilapidated. The developers have considered the necessary requirements for such a facility and have liaised appropriately with the regulatory authorities.	Support
No 10. Kenneth Muir Wishes to speak at the hearing	Neighbouring Land Owner "Aldersue" 3 RD, Wyndham	The lake is in desperate need for a good quality marina. The marina in its present form is inadequate. The proposed development would enhance the area and encourage boating and water sport activities. As a neighbouring land owner I would encourage the Council to rezone the area so that a cohesive development could be arrived at.	Support
No. 11. Robert Henderson	127 Goldfield Heights	Not stated	Support
No 12	32 Riverside Road,	Supports the proposal but has concerns regarding the following:	Support with Conditions relating

Murray Stevens	Frankton also a business owner at Sugar Lane.	<p>The Council owned Jetty must be retained where it is or relocated to an approved position but remain in Council ownership.</p> <p>The Council owned ramp/jetty must not be compromised.</p> <p>The east end or entry end of Sugar Lane must have some short term free car parking for waterway users or walkers.</p> <p>As a concerned local boatie I have seen one failed marina, this is why the Council boat ramp/jetty must stay in Council ownership.</p> <p>As a local business owner I observe lots of locals using the walkway so parking allowances need to be made.</p>	<p>to:</p> <p>Provision of short term free car parking spaces.</p> <p>Council owned boat ramp must not be compromised.</p> <p>Council owned jetty must be retained or relocated to an approved position and remain in Council ownership.</p>
<u>No.13.</u> Sir Eion Edgar	563 Peninsula Road, Kelvin Heights	<p>There is no decent marina facilities on the lake. To encourage greater use of the lake you need to have better and easier access for boaties.</p>	Support
<u>No.14.</u> Derek Bulman (Double M Stores Ltd)	917 Frankton Road	<p>In favour of a well overdue marina.</p> <p>To tidy up and enhance the foreshore.</p> <p>To encourage more boats and light industry to the area.</p>	Support
<u>No.15.</u> Brent Muir	365 Wyndham Mokoreta Road, RD2 Wyndham		Support
<u>No.16</u> Grant Jamieson	9 Star Lane, Queenstown		Support
<u>No.17.</u> Bathan Muir	174 Tramway Road East, Wyndham 9893	<p>As a shareholder in "Marinemuir" the owner of a neighbour property I support the proposal.</p> <p>Queenstown is in desperate need of a new marina as the present site is inadequate.</p>	Support
<u>No.18.</u> Henry Van Ash	119 Fitzpatrick Road, Wakatipu		Support
<u>No.19.</u> Rachel Senior	15 Goldleaf Hill, Queenstown		Support
<u>No.20</u> Kay Young	3 Criterion Street, Arrowtown	I support the marina, it will tidy up the area and it will be great for people to have a place to put their boats. It will bring more people to Queenstown with boats.	Support
<u>No.21.</u> Gary Reynolds (on behalf of the Frankton Marina Commercial Users Group)	825 Frankton Road	<p>The Frankton Marina Commercial Users Group represents many of the businesses that occupy premises along Sugar Lane and the adjacent commercial premises.</p> <p>The Group nominated Duncan Field to be part of the working party considering the proposal and appreciates that consideration.</p>	<p>Support in part</p> <p>Amend the plans to:</p> <p>Retain the current location and</p>

Wishes to be heard		<p>The Group have been consulted by the applicant and believes the project is good.</p> <p>The Group believe that several aspects of the proposal could benefit from refinement.</p> <p>The Group seeks to have those aspects that affect the public launching ramp, the current floating jetty, and the current breakwater amended by further discussion.</p> <p>The current proposals for the launching ramp, jetty and breakwater will aggravate congestion around these facilities increasing both user frustration and diminishing public safety.</p> <p>As proposed it will also aggravate difficulties for boaties in manoeuvring boats around the launching and retrieval area due to weather and water conditions.</p>	<p>scale of the launching ramp.</p> <p>Retain the floating jetty.</p> <p>Maintain or replace the breakwater with a more effective structure.</p>
<p><u>No. 22.</u> Warrington Family Wish to be heard</p>	<p>Joint owners of property located along Sugar Lane. 819 and 823 Frankton Road</p>	<p>The existing environment bears little comparison to that which existed when the family took over the properties. We have not expected the area to remain unchanged.</p> <p>Three previous marina developments have not stood the test of time, stormy weather, lake bed geology, maintenance and operating arrangements.</p> <p>There have been two previous formal planning proposals for the planned development of the Marina Reserve area one without and one with a marina. Council resolved to seek private proposal for the development of the area, this led to the Proposed Marina Development Project of QMDL (Buzz March and others) which was the subject of lengthy planning process resulting in a Consent Order issued by the Environment Court.</p> <p>Although this application stands on its own it does draw extensively within the text on the previous proposal. The comparison of the two proposals is helpful to determine the matters.</p> <p><u>Aspects which we agree to:</u></p> <ul style="list-style-type: none"> -provisions to public walking/access to all of the lake edge between the present boat launching ramps and the eastern end of the proposed development. -the proposed placement of the land based buildings and the low rise small floating boatsheds is far more acceptable than the previous application. The reasonable maintenance of the views from our properties of the scenes beyond the marina are still of major significance to us. -No parking is to be allowed along the length of our two properties. -No public toilet block be placed immediately outside our boundary, nor in a building immediately in front of them. 	<p>Support much of the proposed development but oppose some aspects</p>

		<p>-the proposed access to, circulation within, surface parking provisions of, and landscaping with the parking area.</p> <p><u>Aspects we seek assurances over.</u></p> <p>(a) that consents granted would provide adequately and reasonably for suitable conditions for the construction period and methods to be used, for the standards required for the completed project and for the continuing operation and maintenance requirements.</p> <p>(b) That the approval places no new restraints on the ownership, use or continuing enjoyment of our two properties.</p> <p>(c) that we will continue to have unencumbered access to our properties at all times throughout the construction period, and in terms of the on-going operation of the marina.</p> <p>(d) The treatment of the existing storm water disposal pipes that discharge to the existing marina. The proposal states that "existing storm water disposal points will be incorporated in to the design of the marina". Does this mean that they will be connected to a suitable alternative outfall at no cost to our properties?</p> <p>(e) That the position of the fuel storage tank is indeed underground. The application refers to two possible locations of the fuel dispensing pumps, not the storage tank.</p> <p><u>Continuing Concerns with the following:</u></p> <p>-intersection of Sugar Lane to SH6. Increasing problems of turning right out onto Frankton Road. The additional traffic generated by the development will surely makes the provision of a roundabout a high priority.</p> <p>-Problems with cars and boats stopping outside the driveway of 819 Frankton Road and blocking it. It could be mitigated by yellow cross hatching, this needs to be addressed.</p> <p>-Potential use of the commercial buildings is not clearly defined. Previous application restricted the use to "marina related activities, and that no accommodation/residential use would be permitted." It is implied in the application in some parts but there are no restrictions to avoid inappropriate tenants. It is stated in the application that in Attachment A, section 1.7.16 (Hours of Operation) that no residential or visitor accommodation is to be permitted but goes on to state in (b) except where each person engaged in the activity outside the hours resides permanently on site." We oppose any accommodation and inappropriate use.</p> <p>-detailed information is required for what is proposed where the Frankton walkway meets the Sugar Lane roadway, marina controlled area and the front of our two boundaries. The description in Attachment E is clear but the plans in H and the artist drawing in Attachment E suggest differing sites and shapes of crossings and a crossing from the boatshed café to the NW side of Sugar Lane is not shown at all.</p> <p>-the diversion of Marina Creek through a culvert. The previous proposal realigned the creek with the only culvert being under Sugar Lane and provided an attractive water feature. The culvert is not as good an option as stream realignment. We</p>	
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		<p>would like the applicant to reconsider this option and to use the creek as an attractive water feature.</p> <p>-Concern with the piles used to locate both the floating buildings and the pontoons forming the main marina accessway along the lake side of those buildings. The piles are shown in Attachment E on pages 13, 14, 15 and 17 but are absent from all other plans. The tops of the piles are stated as 314.5 m which is 4.7 m above the mean lake level, these will be close to the tops of the proposed building. There will be over 30 of these piles in stage 1 and one must imagine a small forest. The four piles associated with the existing pontoon look unnecessarily high and dominant. If they could be smaller it would be less dominating, it might be possible to use a different design which would allow a single pile, more thought needs to be given to anchoring the buildings.</p> <p>-the possible noise effects of the piles when moved by water has not been addressed. The existing floating pontoon of Fisherman's Pier produces very noticeable noise when moved by waves. The movement should be less due to the wave attenuator but the number of units will be much higher. This noise source is not mentioned in the noise assessment, the stated material chosen for the piles is inconsistent in the application ranging from concrete, steel or PVC.</p> <p>- there are inconsistencies in the application. Attachment A section 1.7.15 states that the public will not be able to walk on the wave attenuator, where Section 6.2.7 of Attachment J states that this access will be controlled by a barrier beyond the fuel pumps and open to the public in calm conditions.</p> <p>-Section 2.2.15 of Attachment A says no provision is included for boat wash down, while section 1.3 of Appendix 2 Attachment J says it will include a wash down facility.</p> <p>-Captions on photos 7I and 7J need to be reversed in Attachment H.</p>	
<u>No. 23.</u> Derek Stewart	6 Hanbury Lane, Queenstown	<p>-Involved in boating on the lake for over 40 years. The current facilities for recreational boating are constraining the amount and variety of boating occurring on the lake.</p> <p>-As a paraplegic these facilities will improve boating facilities for the disabled.</p>	Support
<u>No. 24</u> McCallum Sharp Wishes to be heard	10 Harrys Close, Arthurs Point	<p>Better boating facilities.</p> <p>Tidy up the area.</p> <p>More jobs.</p>	Support
<u>No. 25.</u> Nicoll Thompson	7 Ritchie Street, Arrowtown	Boating needs better facilities.	Support
<u>No. 26.</u> Matt Cleaver	273 Arrowtown Lake Hayes Road	This type of facility is well overdue. It will clean up the area and offer a world class facility to our region. It will create jobs and provide facilities that boat owners are missing out on.	Support
<u>No. 27</u> Steve Mclsaac	34 Rannisch Drive, Jacks Point	Facility is in demand by the boating community.	Support
<u>No. 28</u> Marcus Bennett	Water Sport World Fisherman's Pier	I support the application of the marina. The only problem that I see is the plan to have another fuel facility on the lake which will bring the number to three, which will	Support

		increase the risk of spillage to around 33% which can be avoided. There is a current fuel facility already in place in the area for full public and private use.	
<u>No. 29</u> New Zealand Historic Places Trust (NZHPT) May wish to be heard	n/a	<p>The NZHPT's interest in the application relates to the effects of the proposal on archaeological values.</p> <p>The NZHPT neither supports or opposes the application but would like to provide the following advice.</p> <ul style="list-style-type: none"> -the application does not include a project specific assessment of heritage or archaeological values. -Section 1.4 of the application refers to a previous assessment of historic and cultural values undertaken as part of RM070542. This report could not be located on Council's website and is presumed that this refers to a report by Peter Petchey in 2004 relating to the previous proposal. The Petchey report refers to the potential presence of historic piles in the lake bed. -the application states that the volume of earthworks will be less than the previous consented marina. However, it does not discuss the specific variations between and nor how such variations could affect heritage values particularly in respect of lake bed disturbance. -recommend that given the length of time between the reports that an updated archaeological assessment specific to the proposal should be prepared. -Since 2004, further research on the Frankton Marina area has been undertaken (Restoration of the Frankton Boatshed and Ticket Office) such a report might assist with identifying areas where there is a higher chance of uncovering archaeological material. -if the assessment concludes that there is likelihood of archaeological material being present then an archaeological authority pursuant to the Historic Places Act 1993 will be required. If disturbance of archaeological material is unlikely then the appropriate approach is to follow an accidental discovery protocol. 	Neither support or oppose but seek an advise note regarding the correct process to be followed in the event that archaeological material is uncovered. (Accidental Discovery Protocol attached to submission)
<u>No. 30</u> Clive John Cousins Wishes to be heard	Not stated c/- Canterbury Legal Services Limited, Christchurch	<p>The proposal adversely affects the environment. The position and scale of the proposal is such that public access to the Lake and the trail will be impeded.</p> <p>Visual amenities will be adversely affected.</p> <p>There is unnecessary commercial extension adjacent to and on the lake and the reserve beside the lake.</p> <p>The location of fuel storage facilities will present an unnecessary risk of potential pollution.</p>	Oppose Decline application
<u>No.31</u> Edwin George Perry March Wishes to be heard	Not stated c/- P O Box 76132 Northwood, Christchurch	Same reasons as submission 30	Oppose Decline
<u>No. 32</u> Queenstown Marina	Not stated c/- P O Box 76132,	Same stated reasons as Submission 30	Oppose Decline

Developments Ltd Wishes to be heard	Northwood, Christchurch		
No. 33 Richard and Natasha Evans Wishes to be heard	881 Frankton Road	<p>-own residential batch located beside Mantra Marina Apartments -have a one quarter share of the jetty in front of our property and a mooring in front of our property.</p> <p>-represent the owners of 883, 885, 887 (corrected by email to 877 on 24/3/2014) and 889 Frankton Road who are our immediate neighbours. (later email dated 20th March confirmed representation of 877 M & R Bankier, 885 Frankton Road have made their own submission and awaiting confirmation to act on behalf of 889 and 883 Frankton Road). Alas check Simon Barnett.</p> <p>-in some ways the proposed marina is less intensive than that granted but its impact on the adjacent residential properties in terms of visual impact, enjoyment of the beach area, amenity and safety to the residents is greater. The mitigation measures are not in place.</p> <p>-lack of onsite management 24 hours a day. There is no practical on site management offered.</p> <p>-commercial activities are being moved closer towards our property. In particular commercial water craft will travel closer to our jetty and property, we have serious concerns regarding noise and safety of people using the lake and visual obstruction.</p> <p>-the application lacks detail on how visual impact, noise and safety are to be addressed and mitigated.</p> <p>-concerned about the following noise and lack of assessment and mitigation in place for traffic noise, people on the proposed steps, structural noise from marina, people using the marina late at night, people socialising on boats, noise from unattended boats, noise from people drinking alcohol in the general area.</p> <p>-concerned that applicant will have control of the waterways in front of our property and beside our jetty which will possibly affect our use.</p> <p>-the application lacks detail on how the adverse effects are to be avoided or mitigated.</p> <p>-Stage 1 does not detrimentally affect us but Stage 2 does.</p>	Oppose Decline
No 34 Wakatipu Community Maritime Preservation Society Inc (the Society)		Support subject to the matters outlined: <u>Queenstown Trail Alignment</u> This is considered a positive aspect of the proposal it ensures that the trail can continue to allow users to experience the amenity and character of the foreshore in	Grant consent subject to the matters raised in this submission being adequately addressed.

<p>Wishes to be heard.</p>	<p>this area and the associated historic boatshed activity.</p> <p><u>Sugar Lane/State Highway 6A intersection</u> Application identifies that traffic delays will occur as a result of the marina. The private and public activities that already use this intersection will be adversely affected by increased delays.</p> <p>To mitigate these effects a condition of consent should be that an upgrade of Sugar Lane/State Highway 6A intersection is undertaken. At a minimum a left hand turn out of Sugar Lane needs to be provided and should be completed prior to construction.</p> <p><u>Existing Pontoon/Public Jetty</u> The application is not specific as to where this will be, this should be identified in consultation with the Society.</p> <p><u>Car Parking</u> No timeline is detailed for the sealing of car parking. There is potential for noise and dust to occur. The Society considers temporarily sealing to avoid effects with a condition specifying when permanent sealing will occur. If identified as being impractical then a management plan be prepared detailing the measures that will be in place to minimise dust and noise and to specify when the car park will be sealed. The Society request that details of the conditions relating to the car park are finalised in consultation with them.</p> <p><u>Construction Activity</u> Construction activity has the potential to adversely affect the amenity and enjoyment of the area and businesses which operate in the vicinity.</p> <p>The construction management plan needs to address:</p> <ul style="list-style-type: none"> -how access along Sugar Lane is to be maintained for vehicles and pedestrians at all times including that the trail is not redirected from this area during construction. -how construction noise will be managed to avoid adverse effects on amenity for users of this area. -The construction management plan including construction hours needs to be finalised in consultation with the Society. <p><u>Commercial Activity</u> No details have been provided in regard to the nature of the commercial activities. By doing so any commercial activity could be established. This does not adequately allow for the consideration of potential effects. It could allow for retail activities to operate with no relationship to the marina or boating activity. This could result in effects on traffic generation and parking and also give rise to reverse sensitivity effects.</p>	
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		Consent should not be granted for unspecified commercial activity.	
<p><u>No 35.</u> Land Information New Zealand (LINZ)</p> <p>Wishes to be heard</p>	n/a	<p>The Lake is currently free of Lagarosiphon. Introduction of Lagarosiphon or other aquatic weeds would have significant effects on the lakes ecological health, recreation use, water tanks and amenity values. Construction of a marina could increase risk in particular:</p> <ul style="list-style-type: none"> -construction equipment may carry active unwanted aquatic weed. -boats being transferred from other lakes and rivers -physical presence of marina will impede access and reduce options for control of weed pest in an event of an outbreak i.e. helicopter herbicide spraying will not be possible within the confines of a marina. <p>Need to ensure that appropriate controls and consent conditions are in place.</p>	<p>Opposes in part Seeks conditions be imposed addressing management of aquatic weed risks</p> <ul style="list-style-type: none"> -all construction activity is thoroughly cleaned -any wash water not to be discharged to the lake without appropriate treatment. -public information signage to be erected in the marina advising of weed risk, obligations of boat owners, and methods to avoid risks. -operation procedures to be put in place to monitor the presence during construction and operation of marina. Consultation with LINZ and ORC needs to occur if detected.
<p><u>No 36</u></p> <p>KTKO Ltd</p> <p>Kati Huirapa Runanga ki Puketeraki and Te Runanga o Otakou</p> <p>Wish to be heard</p>		<p>Lake Wakatipu is a valued landscape and of cultural significance to Kai Tahu ki Otago.</p> <p>The location of a privately owned structure of this scale would have adverse effects on the cultural relationship that Kai Tahu Whanui have with the lake.</p> <p>The lake is a Statutory Acknowledgement Area. Ngai Tahu has a cultural, spiritual, historic and traditional association to Lake Wakatipu. The current proposal is located in the Clutha/Mata Au Catchment of the Kai Tahu ki Otago natural Resource Management Plans 1995 and 2005.</p> <p><u>Cultural Landscape</u> The scale of the marina will have a significant effect on the cultural relationship of Kai Tahu Whanui with Lake Wakatipu.</p> <p><u>Water Quality</u> Effects on the lake bed under and in the vicinity of the marina. The release of the containments from paint on hulls of boats, and any chemical treatments that the hulls may receive to reduce algae build up. Would not want to see the lake become polluted.</p> <p><u>Management of Pests</u> Poses risk of increasing pest species due to construction and operation of the marina.</p>	<p>Oppose application be declined in its current form.</p>

		<p><u>Bilge water</u> Given scale a proactive approach needs to be undertaken to ensure water quality is not degraded.</p>	
<p><u>No 37</u> New Zealand Transport Agency Wish to be heard</p>	State Highway 6A	<p>Not opposed in principle, the scale is less than that previously consented.</p> <p>Concerned that the application has not appropriately canvassed the significance of the actual and potential effects of the proposal on the transport network particularly on the safety, efficiency and functionality of the Sugar Lane/SH 6A intersection.</p> <p>The transport assessment concludes that the intersection is operating at capacity at weekday evenings, the marina will significantly increase traffic volumes, queuing times therefore increasing delays and unsafe turns and manoeuvring.</p> <p>While acknowledging that there is significant issues, neither the assessment nor the application make any suggestion as to how the effects might be avoided, remedied and/or avoided.</p> <p>Consultation is suggested in the traffic assessment and the applicant has only approached the NZTA after notification.</p> <p>Establishing safe, efficient and functional access is a significant issue and has not been adequately addressed. It will be difficult to proceed further with the assessment without a commitment from the applicant as to how this might be achieved.</p>	<p>The consent authority should</p> <p>Decline in entirety ; or</p> <p>Delay proceeding with further processing until an opportunity for the applicant to fully canvass the actual and potential effects of the proposed activity with the NZTA with a view to seeking consensus or agreement on how these effects might be avoided, mitigated or remedied.</p>
<p><u>No.38</u> Frankton Community Association (Inc Soc)</p>		<p>Support in principle as a way to tidy and enhance the area.</p> <p>Public spaces and the track should be clearly and safely defined.</p> <p>The Association expects that Council will examine the effects of the proposal and impose suitable conditions should consent be granted.</p>	Support
<p><u>No. 39</u> Department of Conservation Wishes to be heard</p>		<p>Application needs refinement to avoid adverse effects.</p> <p>Concerns regarding: 1. <u>Biosecurity</u> Lack of biosecurity measures could result in the introduction of invasive pest species, to the nationally significant Lake.</p> <p>Lake Wakatipu has a Water Conservation (Kawarau River) Order 1997 which recognises the scientific values of its bryophyte (mosses) communities. Also significant for recreational boating and aquatic plant communities.</p> <p>The Lake is free of exotic plants such as oxygen weeds Lagarosiphon major and Elodea Canadensis.</p>	Declined

		<p>Plant, machinery and materials used to construct the marina and vessels moored in the marina have the potential to introduce exotic plants. Failure to institute biosecurity controls is contrary to the RMA.</p> <p>The application is contrary to the objectives and policies of the QLDC District Plan in particular Chapter 4.</p> <p><u>2.Public Access.</u></p> <p>The applications are unclear about public access by walkers and cyclists along the margins of the Lake. It is potentially contrary to Chapter 4.6 Policy 12 of the District Plan relating to public availability and enjoyment of the margins of the Lake.</p> <p><u>3.Frankton Marina Conservation Area</u></p> <p>Clarification required if the small area of DoC managed land will be adversely affected. If affected an authorisation may be required from the Director General.</p>	
<p>No. 40</p> <p>Otago Regional Council</p> <p>Wishes to be heard</p>		<p>Submission relates to biosecurity and transport. The ORC is neutral in its view subject to provisions being met. Should the QLDC grant consent the following matters need to be provided for:</p> <p><u>Biosecurity</u></p> <p>Once marina construction works are completed there is an on-going monitoring plan that includes</p> <ul style="list-style-type: none"> -encompassment of the entire in-lake footprint of the marina -regular, scheduled inspections by appropriately qualified persons. <p>Information as to what known pests are to be inspected for, and what action is to be taken if found.</p> <p><u>Transport</u></p> <p>Operation of the marina preserves the function of the Trail and gives priority to Trail users, particularly around the proposed boat ramps.</p> <ul style="list-style-type: none"> -design must provide for balance and safety for mixed use by vehicles, pedestrian and cyclists. -An advice note required if granting relating to commercial public transport operations. -that the interface of the site with SH6A ensures safe traffic movements for traffic entering and existing as well as providing for access, including pedestrians to the adjacent settlement. -that the two nearest bus stops must not have their function and safety compromised as well as ensuring safe pedestrian access. 	Neutral
No 41		Trust supports in so far as it provides for public access in terms of a 3m wide footpath	If Council were to grant consent,

<p>Queenstown Trails Trust</p> <p>Wish to be heard</p>		<p>adjacent to Sugar Lane, a promenade area and access to the jetty in front of the floating buildings.</p> <p>The application lacks detail on how the proposed surfaces (not floating jetty) will be formed. As a minimum the 3m wide footpath adjacent to Sugar Lane should be asphalted or concreted and the promenade should be paved.</p> <p>Further detail is required on how the proposal connects to the wider trail in particular pedestrian crossings and traffic calming measures. The marina developer should be responsible for these connections being built and for maintaining them.</p> <p>Unless resolved the trust opposes the application.</p>	<p>impose the following conditions:</p> <ul style="list-style-type: none"> -new landscape plan detailing surface treatments for all public areas including the car park, detail pedestrian crossing and traffic calming measures and detail the wide linkages to the trail. -the applicant be responsible for the construction and maintenance of all the above trails, including the wider linkages to the trail.
<p><u>No. 42</u></p> <p>Ian and Annette Tulloch</p> <p>Wish to be heard</p>	<p>Own unit in the Mantra Marina Apartment complex</p>	<p>Submission is against the full proposal in its current form and that the application should be declined.</p> <ul style="list-style-type: none"> -apartment is used as a holiday home and is not used for visitor accommodation. -the submitters were submitters in opposition to the previous application and appealed the QLDC appointed commissioners decision. The submitters were party to a Consent Memorandum that resulted in the appeal being settled with agreement reached between the parties. These mitigation measures in the consent memorandum have not been offered as part of this development and the submitters have not been consulted. <p>The adverse effects of this new proposal are greater than the previously consented development.</p> <p>Adverse effects are more than minor and the proposal is contrary to the Objectives and Policies of the District Plan and the RMA.</p> <p>As a non-complying activity there is no discretion to approve the consent. If the Council rejects this and determines that there is discretion then the adverse effects on the submitter and the environment dictate that consent should be refused.</p> <p>The following effects will arise from the application:</p> <ul style="list-style-type: none"> -Visual effects both size and scale, including buildings -Traffic effects: number of vehicles, congestion and resulting safety issues with the intersection of SH6A. Conflict with the intersection into the adjoining residential and visitor accommodation properties and Mantra Marina Apartments. 	<p>Oppose, application should be declined</p>

		<p>-Parking effects: large number of parks none of which are underground. Lack of larger parks for heavier vehicles and for boat and trailer parking. Adverse effects on neighbour's amenity will occur from lack of restrictions on parking at night.</p> <p>-Lack of on-site management – concern that there will be no onsite management 24 hours a day, 365 days per year. This is required to mitigate adverse effects.</p> <p>-Noise effects on the residential neighbours especially at night. Noise will arise from:</p> <ul style="list-style-type: none"> -traffic associated with marina use -use of car park -use of concrete steps -existence and use of public toilets -noise from structural elements of the marina -noise from people at night -congregating and socialising on boats -noise from unattended boats <p>Commercial Buildings: undefined commercial activity is inappropriate in this location and will result in reverse sensitivity effects. No restrictions have been imposed it is impossible for the effects to be assessed. There are no restriction for the licensing of the buildings for the sale of alcohol.</p> <p>The signage controls are unrealistic.</p> <p>-Commercial Activity: commercial boating activities are being relocated towards the submitter's property resulting in adverse effects on amenity.</p> <p>-Concerned over the scale of the development.</p> <p>-Construction Activity Insufficient detail on length of time for each stage, could be 10 years of construction activity resulting in adverse effects. No construction be allowed on Saturdays. No detail provided of where the fabrication of the concrete piles will occur on land.</p> <p>The consented RM070542 should not form part of the permitted baseline or the receiving environment.</p> <p>There has been no regard for the landscape effects, surrounding land uses and amenity of residents.</p> <p>Application is lacking in detail.</p>	
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		This scale of development was never contemplated in the Frankton Reserve Management Plan.	
No. 43 Robert Mark and Rebecca Instone	927 Frankton Road	Money motivated scheme by selfish few. Cannot see the need for a construction that will create an eyesore and limit the lake use on Frankton Arm. The marina will totally obscure our beautiful view up the lake.	Oppose
No. 44 875 Frankton Road Ltd Wish to be heard	Apartment 303 & 403 Mantra Marina	Supportive of new marina. It will bring positive benefits to the local and wider area. The marina will enhance the locality and bring much needed recreational facilities to the District. <u>The following is supported:</u> -the proposed buildings, design, location, scale and height. -linkages with the Trail network, and the proposed two routes. -removal of the existing trees, and the proposed landscaping -proposed signage -tidying up of the area The upgrading of the intersection with SH6A. <u>Commercial Craft</u> -not expected to be of concern providing idling and travelling at 5 knots or under. -interaction of boats, people and trail users is seen as positive and will add interest and vibrancy. <u>Clarification required on:</u> -how the areas adjoining the east and west sides of the site (not leased by the applicant) will connect with what is being proposed, including the Trail linkages. Mantra apartments wish to be consulted. -proposed access and parking areas directly in front of Mantra Apartments should be sealed from the outset of the works to avoid adverse effect from dust. -parking restriction for the portion of the car park in front of the Mantra Apartments may be appropriate to avoid cars parked for long periods. -to avoid glare into the ground floor apartments a low hedge should be planted along the perimeter between the apartments and the car park. -lighting should be design to avoid glare. -no signage should be erected close to Mantra Apartments without prior consultation. -additional clarification is sought over potential noise sources from the marina use. -gates into the marina be designed to be quiet and self-closing to avoid noise nuisance at night. -hours of operation should be reduced to 9am-5pm weekdays, 9am- 2pm Saturdays. -would like opportunity to review conditions of consent prior to a decision being made.	Approve the application on the basis that the issues raised be addressed.
No.45 Marina Baches Management Ltd	Mantra Marina Apartments	Refer to submission 44	refer to submission 44

<u>No. 46</u> R & B Brockwell	Apartment 203 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No. 47</u> Yap Yi Room & Lam See Amanda	Apartment 406 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No.48</u> Gray Superannuation Fund	Apartment 202 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No. 49</u> Kartika Prihadi	Apartment 205 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No. 50</u> Colin Fagg	Apartment 207 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No. 51</u> Aaron Claasen	Apartment 208 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No.52</u> Olivia Wensley	Apartment number not stated Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No. 53</u> Greg Wensley	Apartment number not stated Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No. 54</u> Shane Craig	Apartment 105 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No.55</u> Lina Susanto	Apartments 107 & 206 Mantra Marina	Refer to submission 44	Refer to submission 44
<u>No. 56</u> Don Claasen	Apartment 201 Mantra marina	Refer to submission 44	Refer to submission 44
<u>No. 57</u> Kawarau Jet Services Holdings Ltd	Sugar Lane Frankton	Fully support proposal. Will cooperate with applicant during construction. Will change any of its current operational procedures, departure options and berthing systems it uses to accommodate and work with the new marina. The marina reserve is inefficient considering the increasing number of boats using it. The facilities arte substandard. This is long overdue.	Grant consent without any impeding conditions.
<u>No. 58</u> L and J Rutledge	889 Frankton Road	Support	Support
Note	submission		

withdrawn 25 March 2014			
<u>No. 59</u> Anthony Smith	80 Mountain View Road, Dalefield	Support	Support
<u>No. 60</u> Million Dollar Cruise	269 Peninsula Road, Kelvin Heights	It will be great to have a marina after 50 years of waiting with all the associated facilities of chandlery retail and water side dining.	Support
<u>No. 61</u> Carl Portegys Wishes to be heard	For Coastguard New Zealand	Based on the information that we have seen we see no negative impacts on boating safety. We see no negative impact on our operation.	Support
<u>No. 62</u> Nicholas Muir	Khandallah, Wellington Shareholder in neighbouring property (occupied by K Jet)	Present marina is inadequate. A new facility is long overdue and will be a valuable asset to the community. Request that QLDC rezone the immediate area to encourage activity and development that will complement the marina.	Support
<u>No. 63</u> Neville Kelly, Thunder Jet Wish to be heard	825 Frankton Road	Several aspects of the proposal could benefit from refinement in the areas in the public launching ramp, floating jetty and breakwater (current) to be amended for further discussions. The current proposal for the launching ramp, jetty and breakwater will aggravate congestion around these facilities increasing user frustration and diminishing public safety. As proposed the plans will aggravate difficulties for boaties in manoeuvring boats around the launching and retrieval area due to the weather and water conditions.	Support Amend the plans to retain the current location and scale of launching ramp, retain the floating jetty, and maintain or replace the breakwater with a more effective structure. Seek condition that we have unencumbered access to our property and boat ramp at all times throughout construction and in terms of on-going operations of the marina when completed.
<u>No. 64</u> P A Cody	885 Frankton Road	Oppose to the development of such a large marina, we believe that it will wreck the beautiful natural environment that currently exists. We have been coming to this area for over 50 years to enjoy the natural beauty.	Oppose
<u>No. 65</u> C H Lee	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 66</u> K G Cheong	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 67</u> H L Sum	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 68</u> H Ying	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44

<u>No.69</u> K C Wong and T W Ong	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 70</u> P S Moorthy and S Valarmathi	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No.71</u> H Yang	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 72</u> J M Freiman	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 73</u> O L Lene and H Kothagoda	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 74</u> R Das	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 75</u> F F Seow	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 76</u> D S C Yuen	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 77</u> H K Yong and T G Phail	Mantra Marina Apartments	Refer to submissions 44	Refer to submission 44
<u>No 78</u> T S Khoon and C L Ping	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No.79</u> Austpac (Queenstown) Mgmt Ltd	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No. 80</u> P H Wong	Mantra Marina Apartments	Refer to submission 44	Refer to submission 44
<u>No.81</u> Tim Medland *	Residence Du Lac Ltd	This is a long overdue project to service the Lake and boat users, it is necessary. My company will take several berths in this marina. Good economic development in the right location. A lot of my real estate clients have been waiting for new berths to become available. Approve it quickly.	Support

APPENDIX 3a

Landscape Architect's Report

Landscape Assessment Report

FILE REF: RM140061 – Lakes Marina Projects Ltd

TO: Jane Sinclair – Consultant planner

FROM: Helen Mellisop – Registered NZILA Landscape Architect

DATE: 17 June 2014

INTRODUCTION

1. An application has been received by the Otago Regional Council and Queenstown Lakes District Council (QLDC) to construct a 195 berth marina, wave attenuator, associated buildings, car parking and public open space on the Frankton Marina Reserve and Lake Wakatipu, Queenstown. The land-based portion of the site is legally described as Sections 48 and 52-53, Block XXI, Shotover SD (1.3569 hectares) and Section 1, SO 24208 (1.3765 hectares).
2. In terms of the QLDC District Plan, the reserve area and proposed lake lease area are predominantly zoned Rural General. An area in the western part of the application site is zoned Low Density Residential. I understand that the proposed activity is a non-complying activity overall with respect to the QLDC District Plan and a discretionary activity with respect to the Otago Regional Plan: Water.
3. This report provides a review of the Vivian & Espie Landscape Effects Assessment Report of the proposal, dated 31 January 2014. The review evaluates the adequacy of the submitted assessment and specifically addresses the following aspects:
 - Whether the assessment methodology is appropriate and robust;
 - Whether the analysis and classification of the landscape context of the site is robust and corresponds to the landscape attributes and values.
 - Whether any key issues or considerations have been missed in the assessment;
 - Whether the assessment has correctly interpreted the nature and magnitude of visual and landscape effects;
 - Whether the conclusions of the assessment are credible and justifiable.
4. The proposal has been described in the Vivian & Espie report and in the Assessment of Environmental Effects submitted with the application. Further information about the proposal was also submitted in March and May 2014. Briefly the proposal involves:
 - A marina structure extending approximately 240 metres out into Lake Wakatipu;
 - A curved floating wave attenuator and floating jetties that will extend 0.5 metres above water level;
 - 26 single storey floating buildings adjacent to the lake edge;
 - 5 single storey buildings on the reserve land, one of which is to be a public toilet facility;

- Car parking and public esplanade areas, including a foreshore area that will allow pedestrian interaction with the water;
- Landscaping of the car park and public esplanade areas, including lawns, hedging, flowering shrubs and deciduous exotic canopy trees.

I note that the perspective drawings, which are the only information provided that show the entire proposed development, do not include the driven piles that support the floating buildings, jetties and wave attenuator, or the western walkway/cycleway connections. They also show the proposal at a low lake level, when the floating buildings are well below the adjacent promenade. They are therefore somewhat misleading in terms of the visual effects of the proposal.

ASSESSMENT REVIEW

5. In his report Mr Espie has established the visibility of the proposal and evaluated the effects of this visibility on landscape and visual amenity. He has not considered the effects of marina lighting in this assessment. The evaluation of experiential landscape effects other than visual effects is not consistently addressed throughout the report and there is no specific consideration of effects on the natural character of the lake and its margins. Mr Espie has also not undertaken any substantive assessment against the relevant assessment matters in the Rural General section of the QLDC District Plan.
6. I will address these matters in the report below, as well as discussing the content of the Vivian and Espie report. The initial part of the discussion is structured under the same headings as Mr Espie's report.

Analysis and description of the site and its landscape context

7. I concur with the description of the site and landscape context contained within the report, including the inclusion of the larger marina consented by RM070542 as part of the receiving environment.

Categorisation of the relevant landscape

8. I disagree with Mr Espie's interpretation of Environment Court decision C180/99 in relation to the landscape category of the Frankton Arm. I agree that the text of this decision is confusing, in that it clearly states that Lake Wakatipu is an outstanding natural landscape (ONL), but then draws the line that marks the inner edge of the Wakatipu Basin ONL to include the Frankton Arm. My interpretation of this apparent inconsistency is that the line defines the land that is outside the ONL but not any parts of lakes or rivers outside the ONL.
9. The whole of Lake Wakatipu is listed as an ONL in Appendix 1A of the Otago Regional Plan:Water, and Part 4.6.1 of the QLDC District Plan states that the lakes and rivers of the district are outstanding natural features. In my assessment this classification covers the whole lake, including the Frankton Arm. Although small craft commonly use this part of the lake and there are numerous moorings and structures on its margins, the lake has a high level of natural character. The lake landform and lake levels have not been modified and the water quality and ecological values are well preserved. The lake is distinctive in shape and depth and has significant cultural values to both tangata whenua and local residents, as well as significance as a geological remnant of glaciation. Aesthetically the clear deep blue waters are enhanced by the enclosing mountainous landforms. Transient qualities related to lake levels and weather conditions also contribute strongly to the significance and memorability of the landscape.
10. I therefore agree with Mr Espie's stated assessment approach – that the proposed marina is to be assessed as being within an outstanding natural landscape.

The landscape and amenity related effects of the proposed activities

11. In general I concur with the description of the visibility of the proposal, the potentially affected observers and the receiving environment in paragraphs 38 to 44 of the Vivian & Espie report. However potential effects on residents of lakeside properties east of the Mantra Marina apartments have not been specifically considered or discussed. I understand that a large willow tree on the lake foreshore adjacent to No. 881 Frankton Road may be removed and that this would open up greater views to the proposed marina area from properties in the north-east corner of the Frankton Arm.
12. I am in agreement with the assessment of visual and landscape amenity effects in paragraphs 45 to 96 of the report, with the following exceptions:

For users of the public foreshore and trails of the Frankton Arm, the greatest adverse visual effects would be experienced from the north-eastern corner of the Frankton Arm and the northern end of Frankton Beach. From these viewpoints, the proposed marina jetties and moored boats would appear to occupy most of the width of the lake and would intensify the existing level of modification of the landscape. Visibility would be similar for residents of properties adjoining the foreshore reserve (Nos 881 to 935 Frankton Road and 22-24 Shoreline Road). Multiple jetties and boat moorings are already present in this area of the Frankton Arm and the marina consented by RM070542 would also have been clearly visible, albeit further from the shoreline. Taking into account this receiving environment and the longstanding expectation that a marina of some form would be developed in this part of the lake, I do not consider there would be any more than small adverse effects on the visual amenity or recreational experience of people using the foreshore and trails or on the visual amenity of most foreshore properties. Stage two of the marina, including marina infrastructure and moored boats, could be visually prominent from closer foreshore properties if the large willow on the foreshore is removed. In my opinion there is potential for the adverse visual effects of this prominence to be adequately mitigated by appropriate foreshore planting that partially screened the development from these properties. However any such planting would need to be undertaken and maintained by Council's Parks and Reserves Department, as this part of the foreshore reserve is outside the proposed marina lease area. Should the willow be removed and no replacement planting undertaken I consider there is potential for small to moderate adverse effects on the visual amenities of closer residential properties to the north-east.

- The proposed marina is closer to the foreshore area immediately in front of the Mantra Marina apartments than the development approved under RM070542 and would adversely affect both the visual and recreational amenity of this section of lake shore. I consider the extent of these adverse effects would be small to moderate. The wider lake and mountains would remain visible over the marina and there would be alternative and easier to access recreational areas of the foreshore nearby to the east. Access to the water would also be provided at the eastern end of the proposed marina.
- The Mantra Marina apartments at the north-eastern end of Sugar Lane currently have views over the Frankton Marina Local Purpose Reserve and the Frankton track esplanade reserve to the waters of Lake Wakatipu and to Kelvin Heights and Peninsula Hill. While these views would not be obscured by any proposed buildings, the second stage of the floating marina and moored boats would occupy much of the foreground and mid ground of the view. This would change the character of the view to a moderate extent, reducing its apparent natural character. The apartments are located in an urban setting where there is considerable existing development and activity and where change, in the form of the consented marina or some other marina proposal, is anticipated. In this context I consider the adverse visual and landscape amenity effects of the proposal on users of the Mantra Marina property would be small in magnitude.
- The proposed marina provides for two formal walkway/cycleway routes through the Sugar Lane area. The Vivian & Espie report states that travelling from the south-west adjacent to the Boat

Shed Café the route will cross the existing car park entry to the northern side of Sugar Lane and will then cross back over the road at the north-eastern end of 823 Frankton Road. This route does not appear to be shown in full on any plan submitted as part of the application, although the eastern crossing over Sugar Lane is shown on the landscape plan. I acknowledge that the south-western connection would be outside the marina lease area but nevertheless recommend that indicative plans of this key walkway connection be provided to ensure that the route could potentially provide increased legibility and safety, as stated in paragraph 89 of the report.

- The visual and recreational amenity of the proposed waterfront esplanade path and adjacent lawn and seating areas could potentially be compromised by the adjacent floating buildings and piles. When lake levels are low, views towards the lake would be available between the gable roofs of the structures, although the multiple supporting piles would remain visually prominent. However when lake levels are higher the buildings would block views except at the narrow gaps between the structures. The blank rear timber walls of the buildings would enclose the esplanade and provide a low level of visual amenity for public users when lake levels were higher than about RL309.5. The AEE for the application states that normal lake levels are 2 metres below the esplanade level, which according to Emtech Dwg No. 13039-02 would be RL 309.5. I recommend that the percentage of the year that the lake surface is above this level be confirmed, in order to allow assessment of potential adverse effects on visual amenity. I also recommend that the rear wall detailing and spacing of these buildings, as well as the location of seating and amenity areas on the esplanade, be reconsidered to improve visual and recreational amenity for users of the Frankton Marina Local Purpose Reserve.
- Mr Espie discusses effects in relation to users of the Frankton Arm in paragraphs 91 to 96 of his report. While I agree with his assessment in relation to visual effects on users of the lake, I consider that the landscape experience of people in small craft such as kayaks or dinghies could be adversely affected by the physical barrier the marina would create. Such craft would need to travel out into the lake to get around the marina. In comparison the marina consented under RM070542 potentially allowed for continued access along the shoreline for small craft.

13. It is proposed to light the floating parts of the marina at night, both for navigational safety and security reasons. Lighting on the jetties would be provided by bollards. In order to minimise night time adverse effects on the natural character of the lake, I recommend that jetty lighting be designed to illuminate only the jetty decks, with no light spill outside the jetty area. I also recommend that movement activated sensor lighting be used, if feasible, to minimise the adverse landscape effects of lighting.

Assessment matters

14. The large majority of Lake Wakatipu is within the area categorised as outstanding natural landscape – district wide (ONL-DW). If the Frankton Arm were to be separated out from the rest of the lake, it would be within the area considered to be ‘Wakatipu Basin’ in terrestrial terms. However as discussed in paragraphs 8-10 above, I consider Lake Wakatipu to be a single natural feature. The most appropriate classification for the entire lake is therefore ONL-DW. The relevant District Plan landscape assessment matters for the application are therefore to be found in Part 5.4.2.2 (2) of the District Plan.

Potential of the landscape to absorb development

15. As discussed in the Vivian & Espie report and in my review above, the development would be clearly visible from public places and would be visually prominent from closer public viewpoints including the lake surface, the Frankton Track and the north-eastern foreshore of the Frankton Arm. From these vantage points, the development would reduce the natural character of views out across the lake to the surrounding mountains and hills. In this vicinity the lake and its margins are already significantly modified by structures, moorings and other built development associated with the existing marina and boat launching facilities. The receiving environment also includes a designation

for a marina, a lake lease area for a smaller marina and the marina consented by RM070542. While the proposal would modify the lake edge and immediately adjacent lake bed through reclamation and excavation, the lake margin of the marina reserve has already been somewhat modified by excavation of the current marina inlet and by the boat ramp and related facilities. It does not retain a high level of natural character. Within the context described above I consider that this part of the Lake Wakatipu landscape has the potential to absorb development of the scale and nature proposed, without significant adverse effects on natural character or openness. I note that the AEE submitted with the application has identified an adverse effect on the natural character of the un-named stream emptying into the existing inlet.

16. I consider that the natural character of the lake's margins could be better maintained by using indigenous species in the proposed promenade landscaping rather than the entirely exotic formal planting scheme proposed. The tree species and hedge planting proposed do not relate to any local vernacular or indigenous character.
17. I understand that no expert ecological assessment has been provided as part of the current application but that the Commissioner's decision on RM070542 established that there were no areas of significant vegetation or fauna in the vicinity. Submissions have raised the potential for construction and operation of the marina to introduce weed species with the potential to spread and naturalise, with subsequent significant adverse effects on the ecology of the lake.

Effects on openness of landscape

18. The proposed marina is within a broadly visible expanse of the lake and would reduce the open character of the Frankton Arm. As discussed above I consider the extent of adverse effect on openness would be acceptable, taking into account the context of the proposal.

Cumulative effects on landscape values

19. The natural character of the application site and the adjoining areas of lake and land have been significantly modified by residential, commercial and boating-related development. The potential modifications envisaged by the consented marina (RM070542) also form part of the receiving environment. Within this context I consider that the cumulative adverse effects of the proposal on natural character would be no greater than those resulting from implementation of RM070542. The scale of the currently proposed marina is smaller than that approved by RM070542 and involves fewer buildings on the marina reserve. However unlike the RM070542 marina the proposal does not involve any restoration of naturalised areas of the foreshore or restoration of the un-named creek.

Positive effects

20. The proposal would not result in any positive effects on natural ecosystems or features and does not provide for the re-establishment of native vegetation that would enhance the natural character of the lake or stream margins.

CONCLUSIONS

21. The Vivian & Espie Landscape and Visual Effects Assessment Report for the proposed marina provides a largely appropriate assessment of the landscape and visual amenity effects of the proposal, but does not include any evaluation against the relevant District Plan assessment matters and or any assessment of effects on the natural character of the lake and its margins.
22. The proposal is located within the outstanding natural landscape of Lake Wakatipu in an area where modification is anticipated by the District Plan (Map 33) and as a result of an overlying designation on the land, a lease over the lake and previous consents for marina development. Within this context the proposed marina could be absorbed without significant adverse effects on the integrity or natural character of the lake and its margins. Potential adverse effects on the visual and

landscape amenity experienced in public and private places are predominantly small in extent or could be appropriately avoided or mitigated by design modifications. The exceptions to this relate to the foreshore area immediately adjacent to the Mantra Marina apartments and the residential properties immediately to the north-east (if existing foreshore willows are removed). Adverse effects on the current level of visual and landscape amenity experienced from these places could be small to moderate in extent when proposed stage 2 of the marina was implemented. The number of people potentially affected is relatively small when considered in the wider context of lake shore residents and users.

23. I recommend that amendments to the proposal be made to protect and enhance the visual amenity and natural character of the proposed promenade adjacent to the marina and that potential methods for ensuring the continuity and legibility of the foreshore walkway/cycleway be clarified.



Helen Mellsop
BLA, BHB, Dip Hort (Distinction)
Registered NZILA Landscape Architect

APPENDIX 3b

Landscape Architect's Addendum Report



Memo

FILE REF: RM140061 – Lakes Marina Projects Ltd

TO: Jane Sinclair – Consultant planner

FROM: Helen Mellsop – Registered NZILA Landscape Architect

DATE: 24 November 2014

SUBJECT: Landscape assessment review addendum

INTRODUCTION

1. This memo provides an addendum to my 17 June 2014 review of a Vivian & Espie Landscape Effects Assessment (dated 31 January 2014) for the proposed marina at Frankton Marina Reserve and Lake Wakatipu.
2. Since the completion of my review it has been confirmed that the large willow on the lake foreshore adjacent to No. 881 Frankton Road will no longer be removed. This willow cluster would provide substantial screening of marina from some private properties on Frankton Road (particularly Nos 887 to 893) when it is in leaf, as well as partial screening in winter months. With the retention of the willow cluster I consider that adverse effects of the proposal on the visual amenities of these properties would be small in magnitude.
3. In paragraph 17 of my review I stated that no expert ecological assessment had been provided as part of the application. This is incorrect. A report on the proposed methods for managing biosecurity risks and the ecological impacts of culverting Marina Creek was provided as further information in May 2014 (Natural Solutions for Nature Ltd report, dated 19 May 2014). I am not qualified to provide any comment on this expert report.

Helen Mellsop
BLA, BHB, Dip Hort (Distinction)
Registered NZILA Landscape Architect

APPENDIX 4

Engineering Report



ENGINEERING REPORT

TO: Jane Sinclair

FROM: Michael Wardill

DATE: 21/11/2014

APPLICATION DETAILS	
REFERENCE	RM140061
APPLICANT	Lakes Marina Projects Ltd
APPLICATION TYPE & DESCRIPTION	SUBDIVISION & LAND USE TO ESTABLISH A MARINA AT SUGAR LANE, FRANKTON
ADDRESS	SUGAR LANE, FRANKTON
ZONING	Various - Mainly within the Rural General, with a portion of the west within Low Density Residential zone
LEGAL DESCRIPTION	Section 48 & Section 52-53 Blk XXI Shotover Survey District CT OT7B/844 – 1.3569Ha Leasehold Section 1 SP 24208 CT OT15C/965 1.3765Ha (land area within Lake)
SITE AREA	7.69Ha, comprising of 0.766Ha over QLDC land and 6.924Ha over land administered by LINZ.
ACTIVITY STATUS	Please see AEE

Location Diagram



Application	Reference Documents	RM140061 Application and Submissions, MWH Report dated 7 th March 2014.
	Previous Relevant Consents	RM070542 QMDC Marina Development RM130645 Coastguard consent on Sugar Lane
	Date of site visit	08/04/2014

1.0 GENERAL

The development is contained within areas described as;

- 'Local Purpose Reserve' owned by the QLDC,
- 'Lake Wakatipu' owned by the Crown but administered by Land Information New Zealand, LINZ.

The applicant is seeking lease arrangements with both landowners and a joint hearing is anticipated involving both QLDC and the Otago Regional Council.

It includes;

- 195 berth Marina, completed over 2 stages,
- Wave attenuator,
- 150m Retaining wall,
- Public and Marina use toilet block,
- 1036m² GFA for Commercial development including 4 land based buildings and 26 single level commercial buildings on floating pontoons,
- Cycle link and pedestrian walkways,
- 156 car parks with manoeuvring areas and oversized spaces for boat trailers,
- Loading zone
- 3 bus parks.

This report relates to land based activities including parking areas, the retaining wall and servicing for the commercial businesses.

Comments	
Existing Use	Sugar Lane is serviced from Frankton Road (SH6) and parallel to Lake Wakatipu. The immediate surrounds are a mix of; marina and commercial related businesses, residential housing, offices, workshops, and public car parking to the west end of Sugar Lane. The Frankton cycle trail follows formed tracks to each end of Sugar Lane with 280m of link travel over the existing carriageway.
Neighbours	
Topography/Aspect	
Water Bodies	
	Sugar lane is flat and approximately 2.5 metres above Lake Wakatipu.
	Lake Wakatipu is adjacent to the site with the Marina development extending into the lake. Stormwater drains plus an un-named stream (locally known as Marina Stream) run through the site and discharge into the lake.

2.0 PARKING

A Bartlett Consulting traffic assessment report, submitted with the consent application, was assessed by a senior transport engineer from the Council's transport consultant MWH. They advise Council on standards compliance, safety, and focussed mainly on the internal elements of the proposal, due to NZTA pending comments on external areas. Their report predominantly covers District plan rules 14.2.4.1 and 14.2.4.2.

MWH summarise "Overall the Transport Assessment provides a thorough supporting document for the Consent. Application covering all travel modes and makes applicable references to the previous

transportation assessment and traffic modelling prepared by TDG dated 15 June 2007.” The main points raised are summarised below along with Council’s understanding and/or recommendation:

- *The current proposed development will generate fewer trips than the previous approved development and the improvements to the intersection of SH6A, Sugar Lane and Marina Drive which were proposed as part of the previous consent conditions will need to be revisited as part of the Applicant’s consultation with NZTA.*

The applicant confirms ongoing discussion with NZTA.

- *Section 2.2 of the Transport Assessment suggests that development of the site would require nearby businesses to better manage their operation regarding car parking and overnight storage of vehicles, boats on trailers and equipment to within their property boundaries. The Applicant will need to demonstrate that this is possible with reference to existing consents for those businesses or evidence of their consultation with the owners.*

It is acknowledged that parking within the marina area will no longer be permitted by adjacent businesses however most of these businesses have provided support for the development possibly with the intention to utilise the services provided therein. The frontage of each business has sufficient existing space for parking several vehicles without being affected or creating negative effects to Sugar lane road users.

- *The existing footway provision on the Queenstown side of Sugar Lane terminates approximately 20m from the Intersection with SH6A. This results in a connectivity break for pedestrians entering the site and access to the pathways provided in the proposed car park layout. Consideration could be given to asking the Applicant to complete this link.*

This can be considered by the Council in future as required. The existing footpath provides pedestrians and cyclist access along Frankton Road and continues around onto Sugar Lane before terminating at a point where suitable sight distances are available for crossing Sugar Lane. The footpath along the eastern side provides access down into Sugar lane. Extending the footpath around the western side of Sugar Lane would, in my opinion, create unnecessary areas of conflict with the commercial businesses and require further assessment by Council that should not form part of this application.

- *Section 4.4.1 assesses the proposed Marina trip generation during the weekday morning and afternoon peaks as zero. This seems unrealistic and may need some further consideration.*

Bartlett Consultants have provided details in addition to their traffic assessment report supporting zero traffic during weekday mornings and afternoons. The traffic projection remains, in my opinion is flawed, and has no allowance for residents in Queenstown who are not restricted by normal working hours, nor for those residents who have holiday homes. The result will be an increased traffic volume than submitted for weekdays. The dominant period will however remain at the weekends and this affects only the volume of traffic at the SH6a intersection. This will be addressed by NZTA in discussion with the applicant.

- *Anticipated vehicle speeds within the proposed development and on Sugar Lane should be considered and recorded by the applicant in support of 14.2.4.2 iv. (Page 20).*

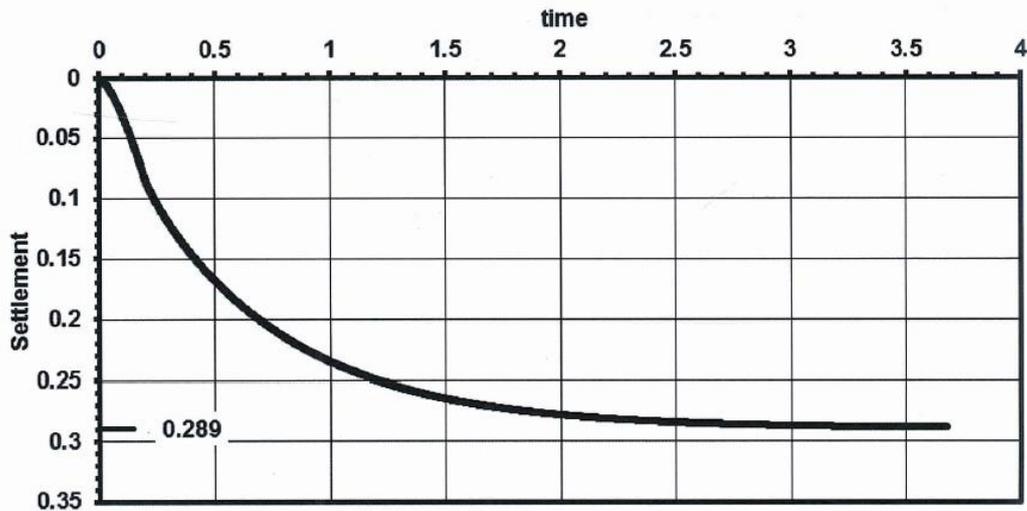
Sugar Lane is within a 50km/hr speed limit area however temporary signage has been installed by the Council restricting this to 20km/hr and this may become the permanent revised speed limit. Speed bumps along Sugar Lane provide positive speed controls. A 10km/hr speed restriction is proposed by the applicant within the development. A suitable condition of consent is recommended in this regard.

- *The first parking space on the right when entering the one-way section of the proposed car park may cause visibility issues for drivers reversing out of the adjacent spaces if it is*

occupied by a high sided vehicle. Perhaps this area could be used for motorcycle parking, covered if possible.

The applicant proposes to install signage restricting use of this parking space to suitable vehicles. I do not consider limiting the use of this parking space as an issue and do not propose a condition.

A report by Emtech proposes to defer kerbing and car parking until the marina is 'largely completed to achieve better compaction' and avoid the effects of heavy construction equipment required throughout construction. Geosolve provide predicted settlement as follows;



The deferral was not part of the above MWH and Bartlett Consultants assessments and comments contained therein do not assess sealing delays. The Councils District Plan rule 14.2.4.1. (xii) requires that parking surfaces are to be formed, sealed or otherwise maintained to; prevent dust or noise nuisance, avoid water ponding, and to avoid runoff onto adjacent roads. A sealed surface will allow the appropriate parking markings to be applied thus avoiding incorrect and unsafe parking, prevent gravels from being tracked onto the roading network and minimise potholing. Whilst it is preferable to seal the surface at the earliest opportunity, in this case it is reasonable for Council to allow a defined sealing delay for the greater parking areas to enable improved compaction. Based on the provided geotechnical details a 24 month delay would cover construction settlement and includes a buffer for the winter season. No deferral is necessary to the main site entrance and intersection with Sugar Lane as there is no significant fill in this location. Sealing at the main entrance should be completed at the earliest opportunity.

I recommend the construction of 159 sealed vehicle manoeuvring and parking areas to Council standards including all necessary line marking. This shall be completed to all parking and manoeuvring areas within 24 months of completing the Stage 1 bulk earthworks and the delay will not apply to the marina entrance crossing point with pedestrian crossing. A bond is recommended to offset risk to Council regarding the sealing deferral.

A further condition is proposed that the applicant will provide details within a site specific management plan to detail how the unsealed parking area will be managed.

I have reviewed both the MWH and Bartlett parking assessments. I accept the parking proposals are provided largely in compliance with Council standards subject to the above conditions.

3.0 TRANSPORT

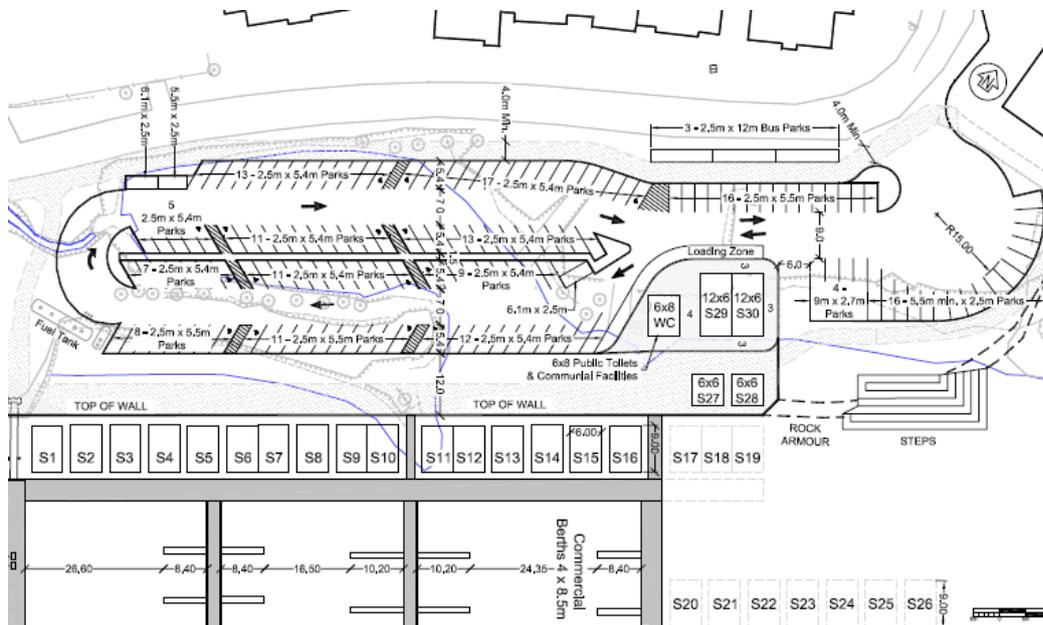
Access

Sugar Lane is accessed from Frankton Road (State Highway 6a). The state highway is an arterial road and limited access road. It is managed directly by the New Zealand Transport Authority (NZTA) and they are submitters in opposition to this development until the intersection effects are appropriately addressed. The applicant confirms discussion is ongoing and direct with NZTA. Suitable resolve to these discussions is hugely important to ensure the traffic effects are suitably mitigated to the satisfaction of both NZTA and to the Council. The effects from this development on the State Highway have not yet been assessed directly by the Council as it is relying on advice from the NZTA as the manager of the State Highway - it is expected this will become available either at or prior to the hearing .

Under the 2007 approved marina development RM070542, the traffic effects on SH6a were to be mitigated by intersection improvements resulting from a financial contribution by the development to NZTA. Whilst these improvements were never realised it is feasible that agreement could be similarly reached under this development.

Further conditions regarding the intersection can be addressed once the outcome of discussion between the NZTA and applicant are known.

Sugar lane is a two lane carriageway off Frankton Road that is sealed for the initial 227m to a point just beyond the Warrington’s crossing point, where the road opens out towards the public boat ramp. This sealed/unsealed delineation is very close to the western limit of the proposed marina. The road continues west as an unsealed carriageway for a further 130m into the public parking areas. The 347m length of Sugar Lane passes from State Highway road reserve and through several areas of council maintained ‘local purpose reserve’. The reserve land proposed to be leased by the Council to the marina development excludes any section of formed public road.



The marina access is located on the first external corner of Sugar Lane. Existing lane widening, created for the adjacent apartments provides the start of a left turn lane into the proposed marina. The access into the marina car parking site is proposed to be 14-15m width contrary to District Plan rule 14.2.4.2 (i) maximum of 9m and is also at the site of the Frankton cycle trail crossing. The application submits the extra width will facilitate the passage of longer towing vehicles to/from the marina parking and unloading areas. The applicant further proposes that queuing lengths under rule 14.2.4.1 (ix) can be improved from 24m with the added widths available near the first marina parking space. Given the nature of the car park layout a wider entrance than 9m is not recommended as this can promote

unsafe vehicle behaviour such as straight lining and provide an unacceptably large crossing distance for pedestrians and cyclists. In my opinion a compliant 9m wide entrance would still allow larger vehicles to negotiate the turns and added queuing length can still be provided by the slip lane.

The entrance should be sealed and line marked at the earliest opportunity to provide access from Sugar Lane. A sealed surface will allow the appropriate pedestrian markings to be installed, prevent gravels from being tracked onto the roading network, minimise dust and potholing, and increase safety in the access entrance. The access shall not be delayed sealing as per the main carpark and sealed prior to any occupation of the site.

I recommend the provision of a sealed crossing point in accordance with Council standards, prior to any occupation of the Marina, with markings and signage installed as per MOTSAM, ie the NZTA Manual of Traffic Signs and Markings.

4.0 EARTHWORKS

ENGINEERING		COMMENTS	Condition	
ENGINEERING	Extent	Description	<p>Earthworks are proposed to construct a Marina with related parking and manoeuvring areas. The earthworked areas are located on local purpose reserve managed by the QLDC and within Lake Wakatipu owned by the Crown and administered by Land information New Zealand. The applicant is seeking consent with both parties and this report relates to land based activities.</p> <p>The works are proposed over two stages to suit the proposed development staging.</p>	-
		Cut /Fill Volume (m³)	<p>Overall earthworks are proposed of 18,003m³ volume over an area of 14,972m².</p> <p>Stage 1 – This includes all car parking and manoeuvring areas plus the Lake Wakatipu site containing Stage 1 marina berths. It consists of;</p> <p>2,762m³ cut and 13,401m³ imported fill over an area of 14,640m². Maximum heights are 2.4m of cut and 3.5m of fill.</p> <p>Stage 2 – This is entirely the Stage 2 marina berths within Lake Wakatipu. It consists of;</p> <p>1,840m³ cut with no fill over an area of 332m² with maximum 0.6m cut height.</p> <p>Due to the large amount of compacted fill required a condition of consent is proposed for potential vibration issues. This is an effects based condition which requires the consent holder to undertake investigations should justifiable vibration complaints be received</p>	X
		Total Volume (m³)		
		Area Exposed (m²)		
		Max Height Cut/Fill (m)		
Prox. to Boundary	<p>The works are all located on land managed by either QLDC or LINZ. Lease arrangements are being prepared by the applicant with both QLDC and LINZ and are fundamental to the project progressing. A condition is included that no earthworks shall breach the boundaries of the site without prior written approval.</p>	X		
Prox. to Water	<p>Marina Stream passes through the site and is covered elsewhere in this report. Lake Wakatipu is within the marina site and the earthworks breach the District Plan rules in regard to proximity to water. I am satisfied this will be suitably addressed by the ORC at the hearing.</p>	-		

	Stability	Geotech assessment by	Emtech	-
		Report reference	Lakes Marina Projects Ltd, dated 29 th January 2014	-
		Retaining Wall	The design of the retaining wall that supports the esplanade and car parking will be addressed by the building consent process. An advice note is recommended and further comments elsewhere within this report.	X
		Recommendations on cut/batter slopes	The depths of cut and fill exceed the District Plan maximum heights. This is not a concern as cut/fill areas are predominantly to remove a highpoint in the lake and to backfill against the esplanade wall across the entire site lake frontage. The works are not expected to result in large unsupported batters. No recommendation is necessary in this regard.	-
		Fill certification/specific foundation design required	The fill will be imported over areas that land based buildings could be constructed. I recommend a condition requiring foundations to be engineer designed.	X
		Engineers supervision	Engineering supervision is required due to the large volume of fill and buildings sited thereon.	X
		Uncertified fill covenant	Not necessary.	-
		Schedule 2a Certificate	Not necessary as buildings will require specific foundation design.	-
	Site Management	Clean fill only	A condition is recommended due to the importation of 13,400m ³ fill at this site.	X
		Report reference	A Guide to Earthworks in the Queenstown Lakes District brochure.	X
		Specific sedimentation management	The Emtech report written by Maurice Davis is contained in the application and includes "Construction effects" within Appendix J.	X
		Specific stormwater management	The measures proposed include; Wetting down to mitigate dust Filtering stormwater runoff through a collection pond Sediment fencing adjacent to the lake A condition of consent can be recommended that requires the measures stated in this document must be implemented as a minimum requirement. It is expected that the ORC will cover the protection of the water ways.	
		Neighbours	Neighbours are separated from the development by Sugar lane or by the fenced cycle trail. A site specific construction management plan is recommended.	X
		Traffic management	A traffic management plan is required to detail construction traffic movements, separation and protection of pedestrians/cycle lane users during construction. This will require sign off from NZTA regarding effects to/from Frankton Road.	X
Construction crossing		Will be necessary.	X	
Revegetation	Will be necessary.	X		
Summary	In summary, earthworks for this development are feasible and in my opinion will not result in land instability beyond the site provided the recommended conditions are applied. The ORC will provide direct comment at the hearing in regard to Lake Wakatipu and effects thereof.			

5.0 RETAINING WALL

An esplanade retaining wall located on the waterfront provides support to 13,400m³ of proposed fill required to create parking and manoeuvring areas for the marina. The wall consists of 100mm precast concrete facing panels spanning between driven UC piles at unknown centres set at approximately 15

degrees to vertical. The wall height is 3m above the excavated lake bed level with piles driven to approximately 4m depth through silt.

This type of detail is currently used elsewhere in the district and has typical issues relating to wave action/groundwater washing fines from retained fill. The result has historically been that precast facing panels move either vertically or horizontally between the 200mm UC flanges.

In the current design the detailed filter fabric and granular fill behind the wall will assist in preventing fines from being removed however the shallow precast embedment appears to be only 150mm into the revised lake bed level and provides opportunity for some undermining of the wall through wave action. In my opinion, an improved detail could be considered that improves the undermining potential.

The retaining wall construction will require separate approval through the building consent process. Discussion with the building department of QLDC confirms that suitable engineering certification will be requested under that process and an advice note is recommended to remind the consent holder of their obligations to obtain building consent.

6.0 SERVICES

Stormwater - There are multiple existing stormwater connections that discharge into Lake Wakatipu in the vicinity of the site. These are from the roading network and from buildings along Sugar Lane. This also includes the stream that discharges by culvert under Sugar Lane locally known as "Marina Creek" and this is identified in the Emtech engineering report as being extended with a box culvert. In any case all stormwater will need extended through the development to continue to discharge into Lake Wakatipu and may require renewal full length to achieve acceptable gradients and achieve suitable drainage outcomes. Manholes will be needed at all changes of either gradient or alignment.

A condition of consent is recommended requiring the applicant to submit engineering design details for approval on all stormwater drains before works commence.

Easements in gross will be required over all Council stormwater to ensure that Council can continue to access and maintain stormwater services. A condition of consent is recommended. Changes to private stormwater will also require easements created and be completed at the expense of the developer.

Run off from the car parking areas are proposed to be captured by sumps fitted with oil traps before discharging to the lake. I am satisfied this will be a suitable method of discharge.

Foul Sewer - The site is adjacent to Council reticulated wastewater (600mm diameter concrete sewer main) under Sugar Lane.

Areas within the development where servicing demands are provisional;

- The 20 of 26 commercial buildings, on the pontoons, are indicated as unserved by foul sewer and water. The remaining 6 may be serviced by a combination of either water and/or foul sewer.
- Land based buildings.
- Pump out facility (understood to be no longer proposed).

Rationale, who hold the sewer model for Council confirm a number of capacity issues on the Frankton sewer line that contribute to loading difficulties however these are generally understood with planned investigative works in coming years. Modelling, in their opinion would not be effective for the Marina development '*as the likely flows will be significantly smaller than the margin of error in the model itself*'. I accept Rationales assessment that modelling would not provide useful information in determining capacity. Discussion with Council's Chief Engineer confirms the discharge capacity of

this development can be accommodated within the existing sewer main subject to final connection details. I recommend conditions of consent that sewer connection details be provided for further engineering assessment and approval prior to any works starting.

Sections of the sewer main are located under the marina car parking area. Easements in gross will be required over all Council foul sewers to ensure that Council can continue to access and maintain services.

Water - The site is adjacent to Council reticulated water services (100mm diameter pvc rider main) under Sugar Lane. Advice from Council 'Infrastructure and Planning' engineering staff confirms that there is sufficient capacity in the system to provide for this development. The applicant will likely have to install a ring water main around the development from the existing rider main. Buildings located on pontoons (up to 6 proposed connections) will require flexibility in connections and details are required to check suitability.

Prior to works starting full details of proposed water reticulation and connections are required and a condition is proposed in this regard. Easements in gross will be required over all Council water mains to ensure that Council can continue to access and maintain services.

Firefighting - There are two hydrants located on Sugar lane that can provide servicing for the marina development. These are located on the road outside numbers 819 and 833 Sugar Lane. The fire hazard category (FHC) for the proposed 26 floating commercial buildings and 4 land based buildings are defined by the commercial activity and building sizes. As the applicant has not defined the type of commercial activity the development will need to be assessed as FW4, ie 3000 litres/minute or 50 litres/second. Note this will be addressed through the engineering approval stage and may require the consent holder to undertake a flow test to check suitable capacity and supply pressure.

A condition is proposed that suitable firefighting provision shall be made to the development.

Power and telecommunications - Letters have been provided by both Chorus and Aurora that servicing can be provided to the proposed development. I recommend a condition that both power and telecommunication services shall be provided to the development.

Development Contributions - Contributions will be required for this development for; water, sewer and roading. The Council DCN officer will be able to calculate these figures once full details of the development are known. If there is not enough certainty of the use of the commercial buildings the DCN's could be deferred until building consent is issued, or until a connection is required to Council's mains. An advice note is recommended.

6.0 HAZARDS

The site is located at the edge of Lake Wakatipu and noted on Council's hazard mapping as subject to the following four hazards;

- a) **Seismic** – 'Concealed inactive fault' lines with an approximate location pass east and west of the subject site in a north to south direction, discussion follows.
- b) **Liquefaction** – Identified as liquefaction risk '*Lic 2 (P) Possibly Moderate*' and also '*Lic 1 (P) probably low Risk*'. Discussion follows.

A Tonkin and Taylor assessment, from November 2012 discussed both the seismic and resultant liquefaction risks near the site considering the 22.7m depth of potentially liquefiable strata. Identified within the assessment is "*The soils beneath the proposed building are highly susceptible to liquefaction and a significantly larger portion of the underlying soil strata is likely to liquefy under ULS earthquake shaking*". The report included ground condition testing and goes on to make recommendations for specific foundation design for any building.

The Emtech "Frankton Marina Engineering Report," dated 20th January 2014 uses detail from the Tonkin and Taylor report for the RM070452 marina development. The conclusions reached are similar to above albeit with liquefiable depth down to between 15-18m. They recommend that foundations of buildings be designed to ensure suitable bearing is obtained.

I am satisfied that a land based building can be constructed at this location to accommodate these known hazards provided professional engineering input is maintained throughout the foundation design and construction. I recommend a condition that the foundation design is completed by a suitably qualified engineer. Note this will require some supervision by the designing engineer during foundation construction.

- c) Alluvial Fan** – The site is located below a regional active alluvial fan consisting of composite materials.

A Tonkin and Taylor report associated with the earlier consent RM070452 and also RM130645 (nearby Coast guard development) provides comment on the composition of the local stratigraphy. Comments progress to likely liquefaction and lateral spreading under earthquake conditions. The nature of the alluvial fan however is related to nearby geology and topography and warrants assessment on the likeliness and the impact of alluvium and/or floodwater being deposited on the subject site from the valley rising above Frankton Road.

There is existing development downhill of the subject alluvial fan sites on both Perkins Road and Marina Drive that are adjacent to the valley floor that would otherwise conduit alluvium. The amount of material being deposited from this hazard appears to have stalled over recent times with no observed evidence of activity. The development of Frankton Road, State Highway 6A by NZTA in circa 2000 essentially bisected the Alluvial fan hazard and created earthwork bunds to the lakeside to protect the road from the lake but also protects the subject lot from this hazard. NZTA operate State Highways with 24/7 opening requirements and should in future any alluvial material be transported as far as Frankton Road then it is also possible it will be cleared before reaching the subject site to maintain an arterial roading link. I am satisfied this known hazard does not pose undue risk to the subject site.

- d) Flooding** – The access to any future buildings on site is from Sugar Lane and this is above the 1999 flood levels. The land based buildings are shown to be immediately adjacent to Lake Wakatipu in an area historically prone to infrequent flooding from high lake levels. This typically follows periods of high intensity or prolonged rainfall resulting in catchment rains entering Lake Wakatipu and accumulating quicker than the Kawarau River outlet flows can match. Flood alerts are triggered when water levels reach 310.8m above sea level (ASL) and historical floods in May 2010 reached a level of 311.48m ASL and in November 1999 were shown to have reached a level of 312.8m. The Emtech engineering assessment provides an assessment of flooding and determines that it is impractical to provide 'dry feet' access to the marina berths and floating buildings in all flood conditions. They recommend construction of car parking and esplanade above 311.3m. This is the first flood height.

The applicant proposes to construct the main car parking area at 311.7m ASL with the esplanade at 311.5m. The proposed levels are above the first flood height of 311.3m, therefore the higher frequency flooding events will be catered for. The surfaces for the carpark and esplanade are sealed and therefore offer protection to less frequent flooding that may result in water above the proposed development level. The design of any land based buildings will all have foundations designed by an engineer and require flood sensitive design measures such as concrete floors to provide further resistance to flooding. This can be addressed through the building consent process and a condition of consent is recommended in this regard.

Based on proposed levels being above the first flood trigger of 311.3m and the stabilised ground conditions, I accept Emtechs design level as suitable to provide flood mitigation to the car parking and esplanade.

7.0 SUBDIVISION

Section 218 of the Resource Management Act 1991 states;

“Subdivision of land means the division of an allotment by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years...”

Long term lease arrangements are being arranged between the applicant and QLDC for the proposed Marina development over local purpose reserve. Relevant subdivision conditions of consent are included in accordance with Council’s assessment for subdivisions.

PROJECT INFORMATION	Notice of commencement	It is important to be aware of the project getting underway on site and a notice of commencement is required, including an onsite meeting required prior to works.	X
	Traffic Management Plan	Required.	X
	Design Certificates	Require design certificates for service connections, car park lighting, and the esplanade retaining wall.	X
	Completion Certificates	Require completion certificates for service connections, retaining wall construction, and car parking construction.	X
	As-builts	Require as-builts for all services.	X

1.0 SUMMARY OF ISSUES TO BE ADDRESSED

The following issues should be addressed by the applicant prior to the hearing:

1. Agreement or completion of discussion between applicant and NZTA regarding effects and mitigation to the State Highway. The Council will require time to assess any agreement or proposed mitigation once details are provided. This includes time to obtain specialist traffic engineering advice, if required.

2.0 RECOMMENDED CONDITIONS - DECISION (A) LANDUSE

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council’s policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

To be completed prior to the commencement of any works on-site

2. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 “Land Development and Subdivision Engineering”, in relation to this development.
3. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with **Condition (1)**, to detail the following engineering works required:
 - a) The provision of a water supply to each serviced unit within the development in terms of Council’s standards and connection policy. This shall include an approved toby valve(s) and the costs of making these connections shall be borne by the consent holder.

- b) The provision of a foul sewer connection to the development in accordance with Council's standards and connection policy. The costs of the connection shall be borne by the consent holder.
 - c) The provision of suitable stormwater reticulation and connections from all impervious areas in the development to provide gravity drainage of the entire area to Lake Wakatipu. Also all existing Council and private stormwater shall be extended through the development area to Lake Wakatipu. The designs shall include full collection system details. The costs of the installation shall be borne by the consent holder.
 - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW4 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
 - e) The provision of a sealed vehicle crossing that shall be constructed in accordance with Council's standards. All road markings and signage will be provided in compliance with MOTSAM, the NZTA Manual Of Traffic Signs And Markings.
 - f) The provision of 10km/hr speed restriction signage to the development.
 - g) Prior to commencing works, the consent holder shall submit to the Principal Engineer at Council for review and approval a construction site management plan for the works. This will include;
 - Construction methodology.
 - Stormwater and sedimentation management (eg to prevent material entering the lake and dust nuisance controls).
 - Site containment (prevent material tracking off site, construction parking areas, keeping Sugar Lane clear).
 - Co-ordination with residents and businesses (project signboard, letter drops, meetings).

The measures outlined in this condition are minimum required measures only. The principal contractor shall take proactive measures in all aspects of the site's management to ensure that virtually no effects are realised with respect to effects on the environment, local communities or traffic. The principal contractor shall recognise that this may be above and beyond conditions outlined in this consent. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project until exposed areas of earth are permanently stabilised.
 - h) Where washdown water is proposed to be discharged into QLDC sewer mains (if any), the consent holder shall liaise with Council Engineers as to the appropriate design requirements.
 - i) The provision of car park lighting in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any lighting installed on the private car parks shall be privately maintained and all operating costs shall be the responsibility of the lots serviced. Any lights installed on car parks shall be isolated from the Council's lighting network circuits.
 - j) Details of how the consent holder will provide maintenance to the unsealed carparking and manoeuvring areas, until such time as sealed.
4. The consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor and shall ensure that the following requirements are met:
 - a) Suitable site warning signage shall be in place on the road in both directions from the site entrance.

- b) Parking and loading for construction machinery and contractors vehicles shall ensure that safe, unobstructed vehicle access to neighbouring properties and the cycle trail is maintained at all times.
 - c) No loading and stockpiling of earth or other materials will take place on Sugar lane. Safety barrier fences and/or other suitable safety measures shall be installed to help ensure public safety including pedestrian and cycle trail users.
 - d) All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Engineer at Council prior to works commencing.
5. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name and telephone number of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the Emtech report (Lakes Marina Projects Ltd, dated 29th January 2014) and who shall supervise the earthworks and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the earthworks and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
 6. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 15m into the site.
 7. A bond shall be entered into, in a form to be determined by the Council's solicitors, to secure performance for the sealing treatment of all parking areas and associated access associated with this development, within 24 months of Stage 1 bulk earthworks completion. The cost of setting up the bond is to be borne by the applicant. The bond shall be guaranteed by a financial institution approved by Council's solicitors. This resource consent shall not be exercised until the applicant has provided evidence to the Council that the bond has been established. The bond shall be for a sufficient amount to cover the cost of sealing the site should the works not be undertaken in accordance with **Condition (18C)**. The amount of such a bond shall be calculated by applying a 150% multiplier to the higher of two quotes from suitable contractors experienced in such works, using as a basis for their calculations engineered plans and specifications provided by the applicant. Such bond may be released upon completion of the sealing works.
 8. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
 - d) To address any adverse effects that arise as a result of the consented activity in relation to the safety and efficiency of the roading network in the immediate vicinity of the site.

To be monitored throughout earthworks

9. Only clean natural fill material shall be deposited at the site. This includes rock, sand, gravels, or clay - provided they are uncontaminated and can meet the compaction requirements of the site. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only.
10. All temporary retention systems or the final structure shall be installed immediately following excavation to avoid any possible erosion or instability, as determined by the person named in **Condition (5)**.
11. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads/access ways by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
12. No earthworks, temporary or permanent, are to breach the boundaries of the site, except where prior written approval has been obtained from the affected landowner.
13. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
14. If at any time Council, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report, which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and buildings beyond this site. Depending on the outcome of this report a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for acceptance and approval.

On completion of earthworks and prior to occupation of the development

15. Within four weeks of completing the earthworks the consent holder shall submit to Council an as built plan of the fill. This plan shall be in terms of the New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".
16. On completion of earthworks [within building footprints] and prior to the construction of any land based building, a suitably qualified engineer experienced in soils investigations shall design the building foundations taking into consideration any areas of uncertified fill on-site. The finished floor levels of the buildings shall be designed to be higher than 311.70m above sea level and take into account infrequent flooding effects.
17. Upon completion of the earthworks, the consent holder shall complete the following:
 - a) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
 - b) All earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 4 weeks.
18. Prior to the occupation of the development, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built'

standards and shall include all Roads (including right of way and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).

- b) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
- c) The provision of 156 sealed car parks and 3 sealed bus parks with manoeuvring areas to Council standards and as shown on carpark layout drawing 3451-6E-2F and 3451-6E-3E submitted with the application. Parking and loading spaces shall be clearly and permanently marked out. The sealing of the 156 carparks and manoeuvring areas shall be completed within 24 months of Stage 1 bulk earthworks completion and delayed sealing shall not apply to the Sugar Lane crossing point, cycle trail crossing, or bus parking areas.
- d) The consent holder shall provide suitably sized power connections to the development. The supply shall be underground from any existing reticulation and be in accordance with any requirements/standards of Aurora Energy/Delta.
- e) The consent holder shall provide a suitable and usable telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Telecom.

Advice Note

1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.
2. The consent holder is advised that the retaining walls proposed in this development which exceed 1.5m in height or walls of any height bearing additional surcharge loads, including the esplanade retaining wall, will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
3. No assessment has been made for onsite precast operations as no details have been provided with the current application. The applicant is advised this may require separate consent should this be a favoured method of construction.

3.0 RECOMMENDED CONDITIONS - DECISION (B) - SUBDIVISION

General

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

To be completed prior to the commencement of any works on-site

2. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this subdivision and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
3. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with **Condition (1)**, to detail the following engineering works required:

- a) The provision of a water supply to the development in terms of Council's standards and connection policy. This shall include an approved toby valve(s) and the costs of making these connections shall be borne by the consent holder.
 - b) The provision of a foul sewer connection to the development in accordance with Council's standards and connection policy. The costs of the connection shall be borne by the consent holder.
 - c) The provision of suitable stormwater reticulation and connections from all impervious areas in the development to provide gravity drainage of the entire area to Lake Wakatipu. Also all existing Council and private stormwater shall be extended through the development area to Lake Wakatipu. The designs shall include full collection system details. The costs of the installation shall be borne by the consent holder.
 - d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW4 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
 - e) The provision of a sealed vehicle crossing that shall be constructed in accordance with Council's standards. All road markings and signage will be provided in compliance with MOTSAM, the NZTA Manual Of Traffic Signs And Markings.
 - f) Where washdown water is proposed to be discharged into QLDC sewer mains (if any), the consent holder shall liaise with Council Engineers as to the appropriate design requirements
4. Any earthworks required for the provision of access and services associated with this subdivision shall be carried out in accordance with the conditions of the Land Use Consent: Earthworks, as outlined above.

To be completed before Council approval of the Survey Plan

5. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - g) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

To be completed before issue of the s224(c) certificate

6. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) The submission of 'as-built' plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards and shall include all Roads (including right of ways and access lots), Water, Wastewater and Stormwater reticulation (including private laterals and toby positions).
 - b) The submission of Completion Certificates from both the Contractor and Approved Engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all Roads, Water, Wastewater and Stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
 - c) The completion and implementation of all works detailed in Condition **(3)** above.
 - d) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an underground electricity supply has been made available (minimum supply of single phase 15kva capacity) to the net area/boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.

- e) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of underground telephone services has been made available to the net area/boundary of all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- f) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Advice Note:

- 1. This consent triggers a requirement for Development Contributions, please see the attached information sheet for more details on when a development contribution is triggered and when it is payable. For further information please contact the DCN Officer at QLDC.

Prepared by:



**Michael Wardill
ENGINEER**

Reviewed by:



**Annemarie Robertson
Consultant ENGINEER**

APPENDIX 5

MWH Report

- 7) There is no cycling specific infrastructure provided on Sugar Lane to form a link with the Queenstown Trail. This is something that could be considered further once the demand has been assessed.
- 8) Anticipated vehicle speeds within the proposed development and on Sugar Lane should be considered and recorded by the applicant in support of 14.2.4.2 iv. (Page 20).
- 9) The first parking space on the right when entering the one-way section of the proposed car park may cause visibility issues for drivers reversing out of the adjacent spaces if it is occupied by a high sided vehicle. Perhaps this area could be used for motorcycle parking, covered if possible.
- 10) The two parallel parking spaces at the end of the one-way turning head may also impede visibility for drivers reversing from adjacent spaces. There is less risk at this location though as approaching drivers have good visibility and therefore advanced warning of the exiting driver's intentions.

Please let me know if you need this information in another format or require any additional details.

Regards,

Dave.

APPENDIX 6a
Environmental Health Report

OFFICE MEMO

FILE REF: RM140061
TO: Jane Sinclair
FROM: Jodi Yelland
DATE: 20 March 2014
SUBJECT: Lakes Marina Projects Ltd

1.0 INTRODUCTION

I have reviewed the application by Lakes Marina Projects Ltd regarding the installation of a below ground fuel storage tank and pumping system located at the Frankton Marina Local Purpose Reserve off State Highway 6A, Queenstown as part of a proposed 195 berth marina, in addition to the noise associated with this installation and activity.

The single container will be able to hold 60,000 litres of fuel and will be a triple compartment tank constructed of double wall fibreglass Maskell Productions Ltd tank which is approved by the Environmental Protection Authority (EPA) for class 3 liquids. Underground pipework and dispensing equipment will also be installed as part of the proposal, in addition to a SPEL water treatment Puraceptor in case of a spillage.

This application has been assessed specifically regarding the installation of a below ground fuel tank and pumping station and the noise levels associated with the activities on site.

2.0 DISCUSSION

Noise

The site is zoned Rural General and Low Density Residential under the Queenstown Lakes District Plan and the pertinent noise rules are as follows:

- (a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within the notional boundary of any residential unit, other than residential units on the same site as the activity:
 - Daytime (08:00 to 20:00) 50 dB $L_{Aeq(15min)}$
 - Night-time (20:00 to 08:00) 40 dB $L_{Aeq(15min)}$
 - Night-time (20:00 to 08:00) 70 dB L_{AFmax}
- (b) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in zone standards for that zone.
- (c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.

There are some existing marina and commercial activities at the site. The closest residential notional boundaries of properties not on the site are at 819 Frankton Road approximately 150 m to the West from the proposed activities.

Acoustic Assessment: Operational Noise

An acoustic assessment was prepared by Malcolm Hunt Associates (Report 11/022.2) considering both the construction and operational noise.

In 2009 daytime noise measurements of existing sound levels were taken at the nearest residential boundary at 819 Frankton Road taken between 8.30-11am and recorded levels at and above 50 dBA $L_{Aeq(15min)}$ at times throughout the morning. Further readings were taken at The Marina Apartments, 128m north of the Frankton marina jetty between 07.30-08.50am where sound levels were measured between 54-72 dBA $L_{Aeq(15min)}$. The results indicated that ambient sound levels were already moderately high due to current activities in the Frankton area to include aircraft movements, vehicle noise from State Highway 6A and extraneous vehicle and jet boat noise.

The proposed site is likely to generate operational noise from sources to include motor boats, halyards on yachts, marina maintenance and activities, traffic movement, people, fixed plant and occasional heavy vehicle movements.

The assessment suggests that operational noise is to be managed and mitigated by the best practicable option such as orientating noise sources away from residence, managing boat noises from loose equipment through berthing licenses and having a speed restriction of 20km/hr speed limit on site. Other noise such as people noise will be addressed through good management and monitoring in addition to signage.

Most of the sounds identified are likely to be at low levels and not expected to exceed L10 40 dBA beyond the immediate marina area. The closest residential neighbours at 819 Frankton Road are likely to receive up to 50 dBA $L_{Aeq(15min)}$ during busy summer days. However, due to the low level of the sound in context of the receiving environment it is considered unlikely the levels would result in anything more than minor noise effects.

Acoustic Assessment: Construction Noise

The proposed activity will also involve temporary noise from construction to include site excavation, preparation, establishing foundations/piles, services, construction of the jetty's, buildings and landscaping at the site. Noise sources will include construction equipment, vehicle noise, hand tools, people noise. No blasting or rock breaking will occur on the site and vibration has also been assessed as not significant in the area.

Construction activities will occur between 07.30-18.00 hrs Monday to Saturday for over 20 weeks. This activity will be governed by the long term construction noise limits cited in New Zealand Standard for construction noise - NZS6803:1999.

The best practicable option will also be used to manage the noise to ensure it does not exceed a reasonable level. This will include precautions such as being noise aware whilst operating machinery, lowering audible noise where possible (e.g. warning devices) and keeping equipment in good order.

Hazardous Substances

The Hazardous Substances and New Organisms Act 1996 and associated regulations, require the site to comply with the HSNO controls which cover aspects such as design of equipment, isolation distances, emergency response and signage etc. The HSNO controls are designed to mitigate the risks associated with such Hazardous Substances, which are fire and explosion, and to protect the environment (including human health). The HSNO controls form the national baseline for such installations.

The risks of fire and explosion associated with the storage and use of hazardous substances are primarily managed under the HSNO legislative controls. A registered test certifier must confirm that the facility as outlined in the information submitted meets the requirements in the Hazardous Substances

(Class 1-5) Controls Regulations 2001. One location of the two needs to be decided upon and location and site test certificates must be issued by the test certifier before the site can be commissioned.

A registered Test Certifier will confirm that the proposed tank and the location are suitable.

3.0 CONCLUSION

Should consent be granted I recommend the following conditions of consent be imposed:

1. The consent holder shall ensure that the activities be so conducted that the following noise limits are not exceeded neither at, nor within, the boundary of any residential site in the residential zone:

daytime (08:00 – 20:00)	50 dB $L_{Aeq(15\ min)}$
night-time (20:00 – 08:00)	40 dB $L_{Aeq(15\ min)}$
night-time (20:00 – 08:00)	70 dB L_{AFmax}

2. The consent holder shall ensure that the activities associated with construction will not exceed noise limits neither at, nor within, the boundary of any residential site in the residential zone:

daytime (07:30 -18:00) 70 dB $L_{Aeq(15\ min)}$ or 85 dB L_{AFmax}

3. The applicant shall provide a Noise Management Plan for approval. The plan must include management of noise associated with both operation and construction at the site in addition to complaint management. The plan shall become the approved Noise Management Plan and the operation and management of the premises must be carried out in accordance with the approved Noise Management Plan.
4. Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Stationary Container System Test Certificate required under the Hazardous Substances (Dangerous Good and Scheduled Toxic Substances) Transfer Notice 2004.
5. Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Location Test Certificate required under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.
6. The Consent holder shall provide a copy of the annual Hazardous Substances Location Test Certificate, within 8 weeks of the renewal date.

Report prepared by
QUEENSTOWN LAKES DISTRICT COUNCIL

Report peer reviewed by
QUEENSTOWN LAKES DISTRICT COUNCIL

Jodi Yelland
ENVIRONMENTAL HEALTH OFFICER

Lee Webster
MANAGER: REGULATORY

APPENDIX 6b

Environmental Health Addendum Report

ADDENDUM REPORT

FILE REF: RM140061
TO: Jane Sinclair
FROM: Jodi Yelland
DATE: 20 May 2014
SUBJECT: Lakes Marina Projects Ltd

The additional acoustic assessment submitted by Malcolm Hunt Associates dated 01 May 2014 with a project reference of 10292-032.3 has now been considered.

Commercial noise emissions from jet boats launching and operating in an amended location to the east of the marina have been assessed. The activities are proposed to occur as close as 62 metres away from Mantra Apartments and 70 metres away from 881 Frankton Road: closer than the current operation..

The assessment is based on one jet boat operating every fifteen minutes. Launching and operating noises, vehicle movements and people noise associated with this commercial operation have been included in the assessment. With the location change towards the east the watercraft will have an extended path to open water and therefore be required to operate at a speed of under 5 knots within 200m of the shore.

The average proposed noise levels have increased by 4dB in the residential area with predicted noise levels of 40dB $L_{Aeq(15 \text{ min})}$ at Mantra Apartments and 38dB $L_{Aeq(15 \text{ min})}$ at 881 Frankton Road in the residential area. The maximum proposed level continues to meet the District Plan Noise limit of 50dB. As the jet boats are only permitted to operate until 20.00hrs, the maximum sound level will continue to meet the District Plan limits at both the Mantra Apartments and 881 Frankton Road location during the day (with no operation into the night-time noise limits i.e. after 20.00hrs). With the extended path to open water the predicted noise caused by acceleration at the receivers is likely to have decreased as it will occur further out into the lake.

Noise issues identified by submitters have all been addressed in the previous acoustic assessment report. The management of the site both during construction and operation will be controlled through an approved noise management plan to manage issues identified by submitters including structural, operational, people and construction noise. The conditions recommended in the previous Environmental Health Report also specify that the noise limits in the district plan should be adhered to. It is considered these conditions are sufficient to manage the noise sources identified. No new issues were raised by the submitters.

Report prepared by
QUEENSTOWN LAKES DISTRICT COUNCIL



Jodi Yelland
ENVIRONMENTAL HEALTH OFFICER

Report peer reviewed by
QUEENSTOWN LAKES DISTRICT COUNCIL



Zoe Hammett
SENIOR ENVIRONMENTAL HEALTH OFFICER

APPENDIX 7

Harbour Master Report



Safety Report

Applicant Name:	Lakes Marina Projects Limited
Application Reference:	RM 140061

1.0 INTRODUCTION

Author of this report David John Black, who has been Deputy Harbourmaster for The Queenstown Lakes District Council for 14 years. He has a range of experience from commercial jet boating from 1981 to 2003 in the Queenstown area, waterways education and enforcement.

2.0 PROPOSAL

To build a new Marina at the Frankton boat ramp area .

3.0 HISTORY

Lakes Marina Projects Limited has been working on this marina project since 2011.

4.0 MATTERS FOR CONSIDERATION

- 1- The removal and reinstatement of the existing public floating layby jetty from where it currently is to the opposite side of the boat ramp must be reinstated in such a way that it does not inhibit use of the boat ramp in any way when a large boat is berthed at the jetty.
- 2- There must be sufficient navigational lighting on the marina at night so that it is not a hazard to lake users during hours of darkness.
- 3- New foot paths in the marina area will make it a lot safer for walkers and cyclists.

5.0 SAFETY MANAGEMENT

The company will have its own SOP for its own operation of the facility. Although not a Maritime rule requirement it is considered important that the SOP be reviewed as a condition of the consent granted.

6.0 LEGISLATION

Under the Resource Management Act

7.0 SAFETY OPERATIONAL PLAN (SOP)

The Marina Company will have its own SOP which is not a Maritime Rule requirement and is therefore outside the scope of this assessment. The SOP does not form part of this application.

8.0 AUDITS

Under the Resource Management Act reviews.

9.0 CONCLUSION

With the company putting a breakwater system it is considered that this should alleviate any navigational safety concerns as part of this development.

A review of the SOP as part of the operation of the facility is also considered an important condition of consent.

10.0 RECOMMENDATIONS

The safety concerns can be addressed by the applicant and recommendations to ensure a safe activity including recommended conditions of consent.

I recommend that this application be approved.

Signed: 

Dave Black Deputy Harbourmaster

Date: 17-11-14

APPENDIX 8

RM93/402

23 December 1993

Frankton Marina Development Group
Unit 5
49 Shotover Street
QUEENSTOWN

Dear Sirs

DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

APPLICATION - RESOURCE MANAGEMENT ACT 1991

FRANKTON MARINA DEVELOPMENT GROUP - RC 93/402

INTRODUCTION

This matter was considered by the Queenstown-Urban Resource Management Hearings Panel on Thursday 2 December 1993. The Panel was assisted by a report from the Assistant District Planner.

The applicant seeks consent to construct a marina complex on Lake Wakatipu in an area adjacent to the Frankton Marina Reserve, Queenstown.

Mr G Todd (Solicitor), Mr G Wilson and Mr T Jenkins (Engineer) spoke in support of the application and submitted written evidence. Mr Todd addressed the legal aspects of the application and objector's concerns. Mr Wilson described the marina, the consultation undertaken prior to the hearing and commented on the submissions received. Mr Jenkins described the construction of the marina in detail. It would consist of a fixed 160 metre-long concrete breakwater attached to the existing Council owned pier, onto which a number of smaller floating finger jetties capable of mooring 18 boats each would be attached on the shoreward (northern) side. The breakwater would be up to 2.7 metres above the lake surface, which fluctuates significantly. Piles driven into the lakebed would protrude 3.1 metres above mean water level; the floating jetties would be linked to these piles and would fluctuate in elevation with changes in water surface level. The piles would be 6 metres apart along the length of the breakwater.

The existing marina facility would be reclaimed and the applicant would contribute to the development of the reserve for vehicle and trailer parking, landscaping and for various other facilities.

An objection was heard from the Frankton Marina Group, represented by Mr R Buckham (Solicitor), who submitted written evidence. His client lodged an application for a marina complex on the subject site but did not obtain approval from the Corporate Services Committee for use of the foreshore reserve. He believes that the decision of that Committee to disallow use of the reserve has prejudiced his client's resource consent application. At the time of hearing the Frankton Marina Development Group's application, the Frankton Marina Group's application had not been heard.

Mrs E B MacDonald spoke on behalf of the Department of Conservation, which supports the application but seeks conditions to help prevent the introduction of the noxious lakeweed *lagarosiphon* into Lake Wakatipu. Fragments of the plant may become caught on boats in one waterbody and be transferred to another waterbody. The weed forms a dense bed which can change the natural character and ecosystem of the lake. Currently Lake Wakatipu is free of the weed and the Department of Conservation wishes to ensure that this remains so. The conditions suggested by Mrs MacDonald refer to the installation of a boat wash-down facility to be used by all boats prior to launching into Lake Wakatipu, the provision of a floating boom with net to control the dispersal of *lagarosiphon* fragments emanating from the marina, monitoring, information signage and dedication of funding.

A written submission from the Otago Regional Council also referred to the potential effects of the introduction of *lagarosiphon*, and requested similar conditions to those suggested by the Department of Conservation.

Four other submissions were received but were not represented at the hearing.

Mr Todd addressed the concerns regarding *lagorosiphon*. He acknowledges that it is a problem but believes that the conditions suggested by the Department of Conservation and the Otago Regional Council impose unfair costs on the applicant. As submitted by Mr Wilson, a coin operated drive through spray wash facility may be the most cost effective and appropriate solution to the problem.

CONSIDERATIONS

The Lakes-Queenstown Wakatipu Combined Transitional District Plan does not contain rules for structures on the foreshore or beds of waterways in the District. The application is therefore non-complying and it was considered in terms of Sections 104 and 105 of the Resource Management Act 1991 (the Act).

Certain matters under Section 13(1) of the Act have been delegated from the Otago Regional Council to the Queenstown-Lakes District Council. The latter Council therefore has full authority to make the decision on the application.

The Council's Foreshore Management Plan, prepared in terms of the Reserves Act 1977, provides for a marina on the site proposed.

DISCUSSION

The Panel accepted the need for a marina and sought through appropriate conditions to reduce the environmental impact of the marina. In particular the Panel considered the visual effects and expressed concern at the height and quantity of piles (3.1 metres high, at six metre intervals along the length of the structure). The Panel agreed that the applicant should explore alternative engineering designs for the structure so as to reduce the height of the piles by at least one metre if not more.

The Panel identified the *lagarosiphon* problem as very significant, but did not wish to burden the applicant with costs which were not directly attributable to the proposed marina. The Panel agreed that the problem is a community one requiring for its resolution research and expert advice, and that the Council should immediately undertake such actions.

The Panel also considered the issues of fuelling, effluent disposal, lighting and the redevelopment of the foreshore reserve in conjunction with the Council.

In terms of Section 105(2)(b), the Panel considered that provided the conditions imposed are adhered to, the effects on the environment of the activity would be minor and the policies of the plan (as illustrated in Plan 7a of the District Plan) would not be contravened.

DECISION

For the foregoing reason it was resolved that the application be approved in terms of Sections 104 and 105 of the Resource Management Act 1991, subject to the following conditions:-

- 1 The concrete pier remain open to the public and that five moorings be provided along the outside of the pier, for public use, during daylight hours only.
- 2 That prior to any commencement of work on the site a licence to occupy the foreshore be obtained from the Queenstown-Lakes District Council.
- 3 That the applicant present revised engineering plans to the Panel. Such plans will show a reduction in height of all piles or poles by at least one metre.
- 4 The 100 berth structure be located by the identification coordinates designated on the engineering drawings. These coordinates relate to the DOSLI Digitised Data Base of Survey Information.
- 5 That the consent holder provide as per plans, a location for the sewage pump and reticulation connections. Equipment and materials being provided and connected by Queenstown-Lakes District Council.
- 6 A limit of 20 litres of fuel be contained in any one container, and that that be imposed by way of the licence to occupy. There will be no refuelling in any manner of boats in the marina.

- 6 That an emergency phone be located within the marina, providing lines to emergency services and the Queenstown Pollution Control Unit.
- 7 Commercial boating operations may be permitted from the marina but subject to controls as specified by the foreshore licence.
- 8 That the consent holder complies in all respects with the conditions of the Consent to Connect to the existing jetty.
- 9 24 hour security lighting be provided in accordance with plans to be approved by the District Planner. The plans will show down-lighting to minimise any glare across the lake or towards the State Highway.
- 10 That the consent holder shall comply in all respects with any policies established for *lagarosiphon*.

Should you not be satisfied with the decision of the Council an appeal may be lodged with the Planning Tribunal, Justice Department, PO Box 5027, Lambton Quay, Wellington not later than fifteen (15) working days from the date this is received.

Yours faithfully

M J G Garland
DISTRICT PLANNING OFFICER

APPENDIX 9

RM030918



File: RM030918
Compliance

9 December 2003

Morgan Pollard & Associates
P O Box 1269
QUEENSTOWN

Attention: Mr Mark Sheppard

Dear Sir

RECOMMENDATION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
'OUTLINE PLAN APPROVAL'
SECTION 176A OF THE RESOURCE MANAGEMENT ACT 1991

I refer to your request for 'Outline Plan Approval' under Section 176A of the Resource Management Act 1991 to undertake the first stage of the Frankton Marina development through the formation of the car park area. The request was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 9 December 2003 by independent commissioner.

The subject site is located to the south of Frankton Road adjacent and to the west of the Frankton Marina, and is identified in the Proposed District Plan as Designation 165. The land included in the designation is legally described as Part Lot 1 DP 16773, Lot 1 DP 26401, Section 1-2 SO 21582 & Section 48-49, 52-53, 59 & 62 Block XXI Shotover Survey District.

Section 176A of the Resource Management Act 1991 establishes the procedure for dealing with works on land where that land has been designated for a certain purpose.

- (1) *Subject to subsection (2), an outline plan of the public work, project, or work to be constructed on designated land must be submitted by the requiring authority to the territorial authority to allow the territorial authority to request changes before construction is commenced.*
- (3) *An outline plan must show -*
 - (a) *The height, shape, and bulk of the public work, project, or work; and*
 - (b) *The location on the site of the public work, project, or work; and*
 - (c) *The likely finished contour of the site; and*

- (d) *The vehicular access, circulation, and the provision for parking; and*
- (e) *The landscaping proposed; and*
- (f) *Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.*

In the first instance it should be noted that the Territorial Authority (CivicCorp) has a discretion, under subsection 2(c), whether or not to require 'outline plans' to be submitted. If the Authority is satisfied that the works are to proceed in accordance with the designated purpose of the land then it is not always necessary that plans be submitted for approval. In this case it was deemed appropriate that an outline plan be prepared due to the scale and significance of the proposed work.

The site is designated under the Transitional District Plan for 'Recreation (Marina)' purposes with an underlying zoning of Residential 1.

The site is designated under the Proposed District Plan for 'Recreation Reserve' purposes (Ref. No 165) with an underlying zoning of Rural General. The authority responsible for this designation is the Queenstown Lakes District Council.

The works proposed consist of the formation and landscaping of the parking area of the Frankton Marina in general accordance with the Frankton Marina Concept Design MPQ763C-01C. It is accepted that the proposed works fall within the purpose of the Recreation Reserve designation.

Council is not able to approve or decline the outline plan, however may request changes within one month of receiving the plan. The requiring authority can refuse or accept recommended changes. A decision to decline the suggested changes may then be appealed to the Environment Court by the Council.

Recommendation

Pursuant to Section 176A(4) the outline plan is accepted.

For the avoidance of doubt, the outline plan has been considered as including all of that work described within the accompanying plan titled 'Frankton Marina, Queenstown Car Parking area – West Layout Plan MPQ 763C(101), dated 3 October 2003.

Note: That the consent holder shall pay to Civic Corporation Limited all required administrative charges fixed by the Council pursuant to Section 36 of the Act in relation to:

- i) the administration, monitoring and supervision of this recommendation; and
- ii) charges authorised by regulations.

Reasons for Recommendation

No changes are requested to this outline plan as the proposal is considered to adequately avoid, remedy or mitigate any effects on the environment.

The proposal is considered to be in accordance with the designation as the development will provide parking facilities for cars and trailers.

The plan submitted with the application for Outline Plan approval indicates provision for parking for up to 10 cars, 27 trailers, and 10 car and trailer combinations adjacent to Fisherman's Wharf and a proposed public boat ramp. Such amenities are necessary to enable the efficient use of the marina facilities and the recreation reserve as a whole.

There are no structures associated with the proposal other than two gabion basket retaining walls, and as such the majority of the conditions set in the Proposed District Plan in relation to recreation reserves are not relevant to this development.

The area of impermeable surfacing on the 8979m² site is 2569m², or 28.6% of the site. This exceeds the 20% threshold for impervious surfaces in Rural zones as detailed in the conditions of Designation 165. However, the development is the first stage of a multi-stage development of the Marina site as a whole. This stage involves the formation of a carparking area on a site that, though with an underlying zone of Rural General, is more urban in nature. It is inappropriate in this instance to form the facility with other than an impervious surface due to the nature of the activities intended on the site. Furthermore, to reduce the area of imperious surface to comply with the 20% threshold would reduce the efficiency of the facility in terms of providing adequate traffic, parking, and manoeuvring space.

The development includes extensive landscaping and planting of the land around the car parks, and provides considerable mitigation of the visual effects of the hard surface areas.

Other Matters

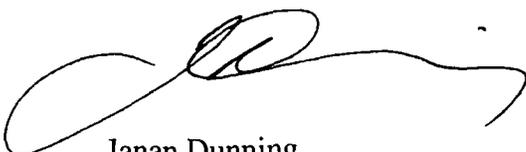
Queenstown Lakes District Council as the Requiring Authority has the opportunity to either accept or reject the above recommendation. Could you please advise in writing within 15 working days whether this recommendation is accepted.

The costs of processing the request are currently being assessed and you will be advised under separate cover whether further money is required or whether a refund is owing to you.

This approval is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

If you have any enquiries please contact Janan Dunning on phone (03) 442 4777.

Prepared by
CIVICCORP



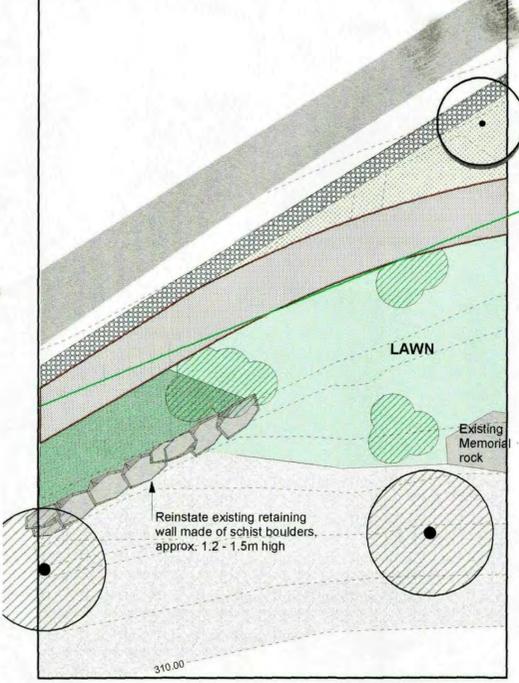
Janan Dunning
PLANNER

Reviewed and Approved by
CIVICCORP



J Titchener
PRINCIPAL: RESOURCE MANAGEMENT

Inset A - Western Area, transition to existing walkway
Scale 1:200



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLANS: RM 080918
9/12/03 Date [Signature] Initials

Key

- Property boundaries
- Work boundary
- Existing and new asphalt surfaces
- Crusher dust footpath along the Queenstown to Frankton Walkway
- Gabion retaining walls
- Shrub planting areas
- Tussock planting areas
- Cabbage tree planting areas
- Existing Foulsewer
- Existing overland power cables
- New trees
- Existing trees to be retained
- New rock embankments
- Existing contours
- New spotheights



Notes:

- Contractors are responsible for confirming the location of all underground services on site prior to commencing work.
- Contractors must verify all dimensions on site prior to commencing work.
- Figured dimensions are to be taken in preference to scaled dimensions.
- Normal lake level assumed at 309.80m.
- All vehicle requirements taken from the Queenstown Lakes District Council, Proposed District Plan, October 2001.
- Setout of planting area boundaries to be certified and approved by Engineer prior to construction.

Revisions:

Rev	Date	Description
A	13.10.03	Realignment Frankton Walkway, Adaption of Planting Areas

Frankton Marina,
Queenstown
Car parking area - West
Layout Plan

MPQ 763C(101) 03 October 2003 1:200 (A1)



145 Glenda Drive · P.O. Box 1269
Queenstown · NZ
Ph 03-4423448 · Fax 03-4423449
Email ralf.kruger@greenbelt.co.nz

Frankton Marina

Stage 1: Carparking Area West

Tender

APPENDIX 10

RM051121



File: RM051121
Valuation Number:

2 March 2006

Queenstown Lakes District Council
C/- Ken Gousmett
Private Bag 50072
QUEENSTOWN

Dear Ken

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991
QUEENSTOWN LAKES DISTRICT COUNCIL – RM051121

We refer to your application for land use consent under Section 88 of the Resource Management Act 1991 to upgrade the existing boat ramps at Frankton Marina. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 2 March 2006. This decision was made and its issue authorised by Michael Parker, Independent Commissioner, as delegate for the Council.

The subject site is located at Frankton Road, Frankton.

Between 31 August and 14 September 1998 the decisions on submissions to the Proposed District Plan were progressively released. Section 88A of the Resource Management Act 1991 requires all applications received after notification of decisions to be assessed in terms of these decisions and any amendment thereto. Under these decisions the site is zoned Rural General and the proposed activity requires resource consent for the following reasons:

- A discretionary activity pursuant to Rule 5.3.3.3(iv)(a) *Surface of Lakes and Rivers*, as all structures which pass through the surface of the lake or attached to the bank of the lake requires consent.

Overall, the proposal was considered as a discretionary activity.

The application was considered on a non-notified basis in terms of Section 93(1)(b) whereby the consent authority were satisfied that the adverse effects of the activity on the environment will be minor and in terms of Section 94(2) whereby all persons who, in the opinion of the consent authority may be adversely affected by the activity, have given their written approval to the activity.

Decision

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

General Conditions

- 1 That the development be carried out in accordance with the plans entitled *Public Boat Ramp at Frankton Lake Wakatipu*, "Typical Sections at New Ramp Location" reference R2 and "Boat Ramp and Associated Works" reference 01 (**stamped as approved 28 February 2006**) and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2 That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
- 3 The consent holder shall pay to the Council an initial fee of \$100 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.

Specific Conditions

- 4 If Koiwi (human skeletal remains), waahi taoka (resource or object of importance), waahi tapu (place or feature of special significance) or other artefact materials are discovered work shall stop, allowing for a site inspection by the appropriate Runaka and their advisors. These people will determine if the discovery is likely to be extensive and whether a thorough site investigation will be required. Materials discovered should be handled and removed by takata whenua who possess knowledge of tikanga (protocol) appropriate to their removal or preservation.
- 5 The rocks for the proposed rock armour are to be clean and placed rather than dumped into position.
- 6 All machinery must be clean and well maintained before entering the work site.
- 7 All practical measures must be undertaken to minimise sedimentation in the waterway.

Advice Note

- The Council may elect to exercise its functions and duties through the employment of independent consultants.
- The consent holder is advised that consent from the Otago Regional Council may need to be obtained for the proposed activity prior to the commencement of the proposed development.

Reasons for the Decision

Proposal

Consent is sought to replace the two existing boat ramps at the Frankton Marina, Lake Wakatipu with a 16 metre wide in-situ/precast graded ramp with wave protection to the southwest site of the ramp. Consent is also sought for the construction of a pontoon anchored by piles and an access bridge to the pontoon running parallel to the new ramp.

The new ramp is to replace the existing two ramps currently situated at Frankton Marina. The ramp is to be constructed of a 16 metre by 7 metre in-situ slab on graded hard fill. The top edge of the slab is to have a level of RL 311.30 and the slab will be at a grade of 1:7.

Below the in-situ slab, 30 precast ramp units will be installed and tensioned to form the remainder of the 1:7 graded ramp to a bottom level of approximately RL 307.80 to provide 1.5 metres water depth at low lake level. These units will be bedded on hard fill which will extend from the toe of the ramp to provide armouring and scour protection to the slope.

Small concrete retaining walls beginning at the top of the slab and continuing to approximately half way down both sides of the ramp will be constructed to prevent debris and scouring back on to the ramp.

Precast concrete piled wave break protection to the southwest of the ramp will also be installed as part of the redevelopment. The piles will begin at approximately RL 309.00 contour and continue out to approximately RL 307.00.

A rock armoured embankment situated to the northeast side of the boat ramp will be installed to provide protection to the ramp area and will be at a level of RL311.00. This small embankment will also provide a location for the access to the bridge and pontoon to start from.

The proposed access bridge will be approximately 10 metres in length and 1.2 metre wide and will provide access from the shore to the proposed pontoon. The proposed pontoon is to be 16 metres by 2.4 metres in size and constructed of steel and anchored by driven piles at both ends.

Consent is required for the proposal as all structures that pass through or across the surface of a lake or attached to the bank of a lake require resource consent.

Small scale earthworks are proposed for the construction of the ramp and associated structures however these are less than that permitted by the District Plan therefore no consent is required for this activity.

Effects on the Environment Land, Flora and Fauna

The proposed boat ramp, pontoon and related structures are not considered to have a significant effect on the Lake Wakatipu fauna and wildlife.

Small scale earthworks are proposed as part of the redevelopment however these will not exceed the permitted earthworks levels in the District Plan and therefore form part of the permitted baseline. The new ramp is to occupy the site of the existing boat ramps therefore it is considered that there will be no significant loss of lake bed floor area.

The proposed boat ramp, pontoon and associated structures are anticipated to result in a slight disturbance of the Lake Wakatipu lakebed when it is installed. The construction is likely to cause some fine bed material to be stirred into suspension which will have an effect on the localised water clarity. The effect on the clarity of the water is anticipated to be temporary as the construction time for the ramp foundation is only a few days and therefore minor in effect.

People and Built Form

The proposed boat ramp, pontoon and associated structures are considered to be in keeping with the character of Lake Wakatipu and the existing Frankton Marina area. Frankton Marina is a popular boat launching location and the proposed upgrade of the boat launching facilities is considered to have a positive effect in terms of providing new facilities for the Queenstown community.

Traffic Generation and Vehicle Movements

The applicant states that neither the construction nor the completed ramp will have an adverse effect on boating navigation. The ramp and pontoon will not extend into the water which is used for normal passage of craft.

The ramp is to upgrade the existing ramp and is adjacent to Fisherman's Wharf but is effectively separated from this wharf by the wave break. It is considered that boats manoeuvring to and from the ramp will be moving at a low speed.

During the construction phase, the traffic generation to the area particularly by heavy vehicles is anticipated to increase however this effect is considered to be temporary. As boat ramps are already existing on the site it is considered that the vehicle general to and from the site after construction will not increase significantly.

Nuisance

During the construction phase, the traffic generation to the area particularly by heavy vehicles is anticipated to increase however this effect is considered to be temporary. As boat ramps are already existing on the site it is considered that the vehicle general to and from the site after construction will not increase significantly.

The proposed hours of operation are to be 7am to 7pm however as the construction phase is to be temporary the effects are anticipated to be minor.

Policies and Objectives

The proposal has been assessed in terms of the policies and objectives within the Partially Operative District Plan and has been found to be consistent with all of these.

Other Matters

Local Government Act 2002: Development Contributions

In granting this resource consent reference was made to Part 8 Subpart 5 Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004).

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

For the forgoing reasons a Development Contribution is not required.

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 not later than 15 working days from the date this decision is received.

You are responsible for ensuring compliance with the conditions of this resource consent. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

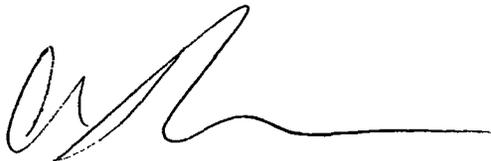
This resource consent is not a consent to build under the Building Act 1991. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Amanda Templeton on phone (03) 450 0322.

Prepared by
CIVICCORP



Amanda Templeton
PLANNER

Reviewed and Approved by
CIVICCORP



Paula Costello
PLANNER

STATE HIGHWAY 6A

Existing private residences

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM 05/12/1

28/12/06 Date
Initials



[Handwritten signature]

No.	Revisions	Date	Appvd
Designed	R.M.Davis	Date 10/05	Print Date
Drawn	A.R.Bird	Oct '05	
Checked			
Approved			
File	283/13	Ref	bResource

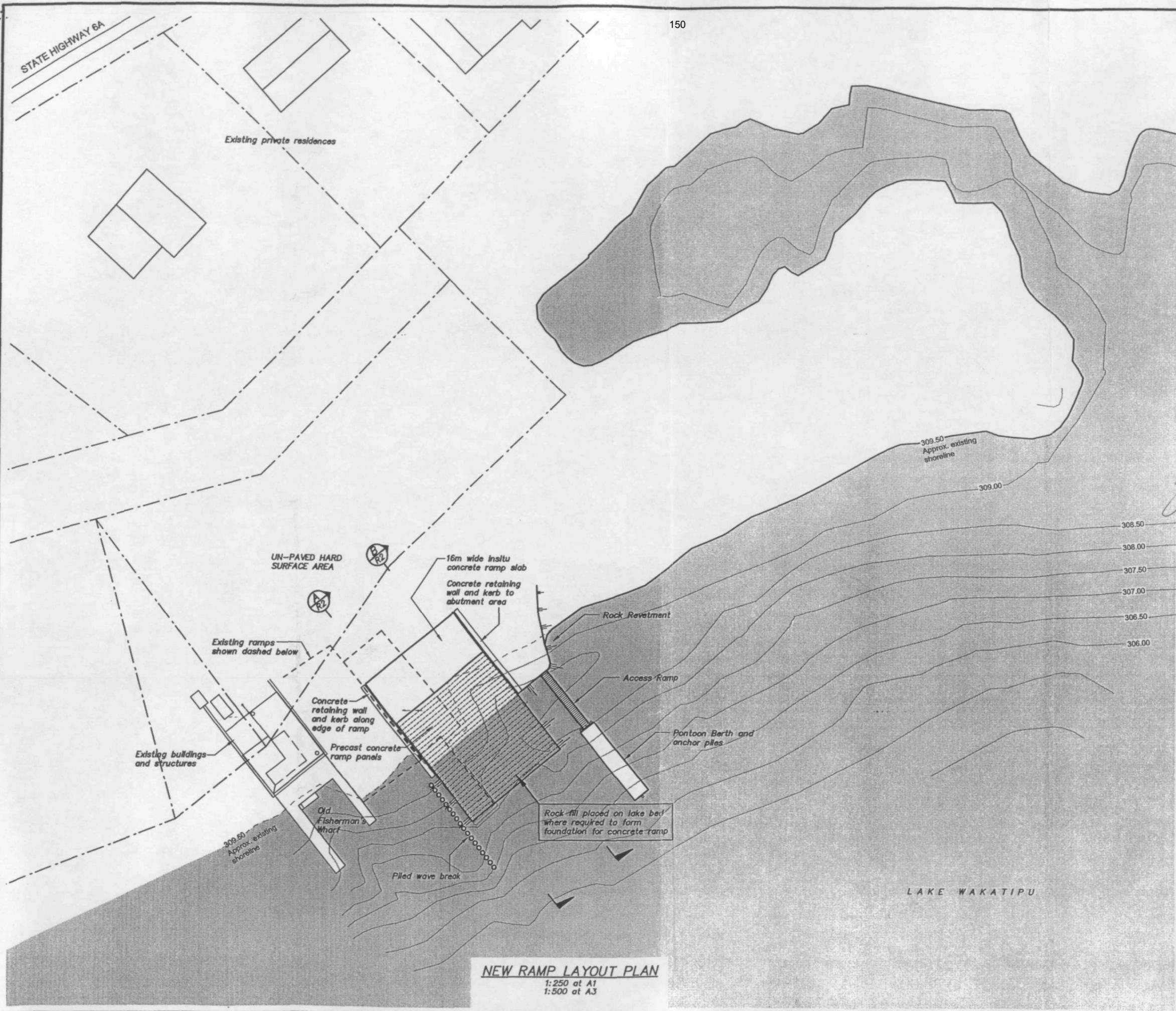
Client
QUEENSTOWN LAKES DISTRICT COUNCIL

Project
PUBLIC BOAT RAMP AT FRANKTON LAKE WAKATIPU

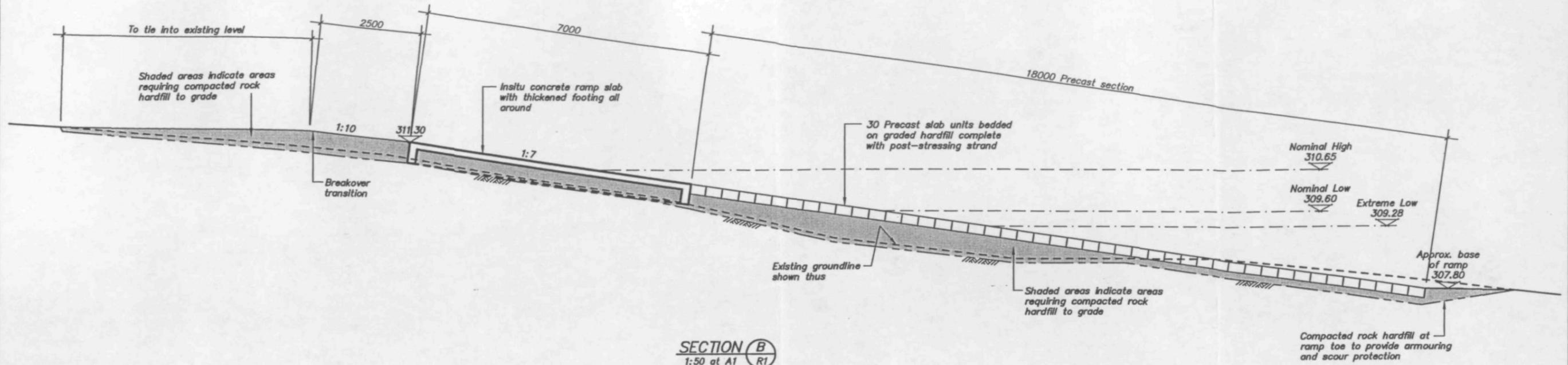
Sheet Title
BOAT RAMP AND ASSOCIATED WORKS

Job No. **57911** Sheet No. **01** Revision
of sheets

Duffill Watts & King Ltd
CONSULTING ENGINEERS



NEW RAMP LAYOUT PLAN
1:250 at A1
1:500 at A3

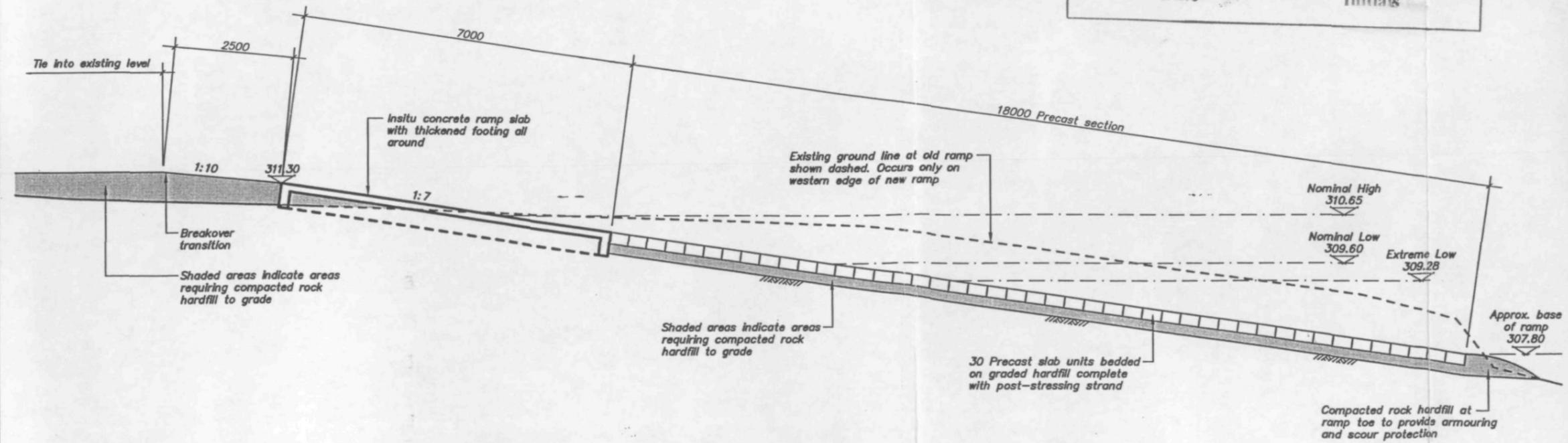


SECTION B
 1:50 at A1
 1:100 at A3

QUEENSTOWN LAKES DISTRICT COUNCIL
 APPROVED PLANS: RM 051121
 28/12/06 Date
 at Initials

[Handwritten signature]

No.	Revisions	Date	Appvd
Designad	R.M.Davis	Date 9/05	Print Date
Drawn	A.R.Blrd	Oct'05	
Checked			
Approved			
File	283/11	Ref	bResource



SECTION A
 1:50 at A1
 1:100 at A3

Client
 QUEENSTOWN LAKES DISTRICT COUNCIL
 Project
PUBLIC BOAT RAMP AT FRANKTON LAKE WAKATIPU
 Sheet Title
TYPICAL SECTIONS AT NEW RAMP LOCATION

Job No.	Sheet No.	Revision
57584	R2	
	of	shots

Duffill Watts & King Ltd
 CONSULTING ENGINEERS

APPENDIX 11

Environment Court Consent Order

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 120 of the Act

BETWEEN DAVID JAMES CASSELLS
(ENV-2008-CHC-168)

AND G ANDERSON and OTHERS
(ENV-2008-CHC-173) and
(ENV-2008-CHC-180)

AND WENSLEY DEVELOPMENTS
LIMITED
(ENV-2008-CHC-175)

Appellants

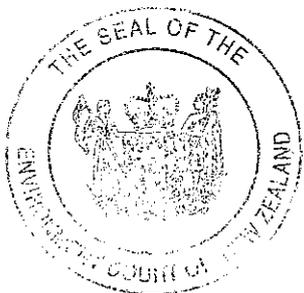
AND QUEENSTOWN LAKES DISTRICT
COUNCIL

AND OTAGO REGIONAL COUNCIL

Respondents

AND QUEENSTOWN MARINA
DEVELOPMENTS LIMITED

Applicant



BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER**Introduction**

[1] The Court has read and considered the appeals, the respondents' replies, and the memoranda of the parties received on 30 July 2009 in respect of the appeals by G Anderson and others, and D J Cassells, and on 31 August 2009 in respect of Wensley Developments Limited.

[2] While separate memoranda were received, the fact that they all related to the same resource consent decision (made jointly) and each attached identical appendices made it sensible to process them under one combined consent order.

[3] The following persons have given notice of an intention to become parties under s274 and have signed the respective memoranda setting out the relief sought:

- New Zealand Transport Agency in respect of all four appeals;
- Kenneth James Muir in respect of ENV-2008-CHC-173; and
- Ian & Annette Tulloch in respect of ENV-2008-CHC-175.

[4] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

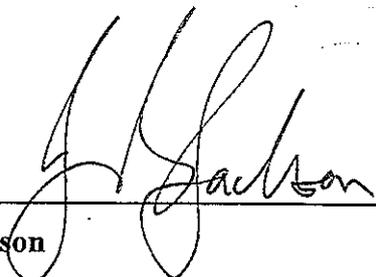


- (a) All parties to the proceedings have executed the memoranda requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

- [5] Therefore the Court orders, by consent, that the appeals are allowed to the extent that the decision of the Independent Commissioners appointed by the Queenstown Lakes District Council and the Otago Regional Council granting resource consents to Queenstown Marina Developments limited to establish and operate a marina on the Frankton Marina Reserve and Lake Wakatipu, Sugar Lane, Queenstown, is confirmed *subject to* the amended conditions for land-use consent RM07524 contained in **Appendix A** attached to and forming part of this consent order.
- [6] The appeals are otherwise dismissed.
- [7] There is no order for costs.

DATED at CHRISTCHURCH 3 September 2009.



J R Jackson

Environment Judge

Issued: - 3 SEP 2009



**APPENDIX A – QUEENSTOWN LAKES DISTRICT
COUNCIL: CONDITIONS OF RESOURCE CONSENT
RM07524**

DECISION NO 1:

QUEENSTOWN LAKES DISTRICT COUNCIL: RM070524

Date of commencement: As provided in s.116 of the Resource Management Act 1991.

Term of consent: Unlimited.

Date of lapsing of consent (if not given effect to): Shall be ten (10) years for Stage One of the development and fifteen (15) years for any remaining stages, except for “building number 3” as provided for in Condition 14.

Purpose of consent: To establish and operate a 240-berth marina, associated buildings, car parking and public open space (the Marina) at the Frankton Marina Reserve and Lake Wakatipu, Sugar Lane, Queenstown.

Legal Description of the Land: The relevant parts of the land are described in Schedule A (below), or otherwise as more specifically described in this permit and in the various plans and other information submitted by the applicant.

Schedule A:

Location	Legal Description
Adjacent to Frankton Road (State Highway 6A), approximately 90 metres south of the intersection of Sugar Lane and Frankton Road (State Highway 6A), Frankton, Queenstown. Mid-point Grid Reference: NZMS 260: F41:724-678	Secs 48, 52, 53, 58, 59 and 60 Blk XXI Shotover SD Pt Sec 39 Blk XXI Shotover SD Sec 1 SO 21582 Sec 1 SO 24208

STANDARD CONDITIONS OF CONSENT:

1. The consent holder shall undertake all activities authorised by this consent in general accordance with the plans and information submitted with the resource consent application received by Queenstown Lakes District Council (QLDC) on 21 June 2007 (“the application”) and any other documentation relevant to the application including requests for further information, except where inconsistent with these conditions. Any change or cancellation must be made in accordance with s.127 of the Resource Management Act 1991 (RMA).



2. The consent holder shall notify the Planning and Environment Manager, Queenstown Lakes District Council (the consent authority), at least five (5) working days in advance of the date of the commencement of works associated with this consent unless otherwise required in the special conditions attached to this consent.
3. Unless it is otherwise specified in the special conditions of this consent, compliance with any monitoring requirement imposed by these conditions shall be at the consent holder's expense.
4. Prior to any work that relates to this consent commencing on-site, the consent holder shall submit to the consent authority, a plan (or plans) including a timetable that details the progress of all activities covered by this consent. Any variation to the plan(s) shall be submitted to the consent authority within 14 days of the change being made.
5. The consent holder shall supply any agent or contractor working under this consent with a copy of the consent conditions, which shall be available on-site for presentation to an officer of the consent authority upon request.
6. Any works carried out during the life of the marina and its on-site facilities, whether operation, maintenance, decommissioning, or otherwise, shall be consistent with the conditions attached to this consent.
7. The consent holder shall pay to the consent authority all required administration costs and charges fixed by the consent authority pursuant to s.36 of the Act in relation to any:
 - i) administration, monitoring and inspection relating to this consent; and
 - ii) charges authorised by regulations.
8. In accordance with s.128 and s.129 of the RMA the consent authority may within ten days of each anniversary of the commencement of this consent, or upon receipt of information identifying non-compliance with the conditions of this consent, serve notice on the consent holder of its intention to review any of the conditions of this consent for any of the following purposes:
 - i) To deal with any adverse effect on the environment that may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
 - ii) To require the consent holder to adopt the best practicable option to avoid, mitigate or remedy any adverse effect on the environment.
 - iii) To determine whether or not the conditions of this consent are adequate to deal with any adverse effect on the environment that may arise from the exercise of this consent, and which it is appropriate to deal with at a later stage.
 - iv) To ensure the conditions of this consent are consistent with any National Environmental Standards.

9. The consent holder shall pay to Lakes Environmental Ltd., an initial fee of \$240 for the costs associated with the monitoring of this resource consent in accordance with s.35 of the RMA.
10. Upon completion of the marina, or any of its stages, the consent holder shall advise the consent authority, in writing, that all conditions of this consent have been complied with and shall arrange an appropriate time for a final inspection.
11. The consent holder shall ensure that copies of any management plans required under these conditions are also supplied to Otago Regional Council.

SPECIAL CONDITIONS OF CONSENT:

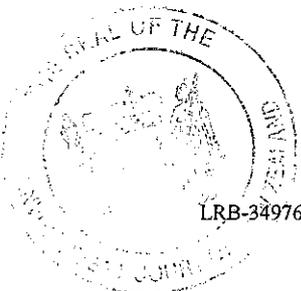
Surveyor's Certificate

12. In order to ensure that the proposed buildings are located exactly as proposed in the application, and do not exceed the degree of infringement applied for, the consent holder shall employ a suitably qualified surveyor at its expense who shall;
 - (a) certify to the consent authority in writing that the foundations have been set out in accordance with the approved consent in terms of levels and position; and
 - (b) confirm to the consent authority in writing on completion of the buildings that they have been built in accordance with the approved plans, and do not exceed the maximum height control/degree of infringement applied for.

Note: The consent holder is advised that they will require a suitably qualified surveyor to carry out a survey of the land, recording the ground levels, prior to any earth works being carried out on the site.

Timing of construction and pre-construction requirements

13. The proposed buildings from east to west are numbered 1, 2, 3 and 4. The buildings are to be constructed using this numbering and in order 1, 2, 4 and 3.
14. The final building, number 3 is to be located in front of a residential property at 823 Frankton Road. This building is not to be constructed until the earlier of either;
 - a. The expiration of 10 years from the date of grant of this consent; or
 - b. The sale or other disposal of 823 Frankton Road by the Warrington family.



15. At the time construction of either Building 1 or 2 has been completed and the public has the ability to use the toilets in either Building 1 or 2 the applicant shall remove the existing public toilets (currently located along the boundary of the development site and the residential properties to the North) from the site.
16. Attached and marked "A" is a diagram depicting the layout of buildings 1, 2, 3 and 4 relative to 823 Frankton Road.
17. The car parking area at the eastern end of the development site adjacent to the adjoining apartment complex is to be developed on an 'as required basis' and in line with the delayed development of building 3 noted above at condition 14.

Boat servicing / hard-stand area

18. The proposal includes establishment of a hard-stand boat servicing facility. The location of this hard-stand is to be altered from that sought in the application for resource consents, to an area to the east of the existing boatshed adjacent to the site and north-west of the existing boat-ramp on site. A diagram showing the revised location of the hardstand area is attached marked "B".

Landscaping

19. The Sycamore tree located on the boundary of the site and the adjoining residential property (described also above at 823 Frankton Road in condition 16) will be removed by the applicant upon commencement of construction pursuant to this consent.
20. The car parking area at the eastern end of the marina site between Lake Wakatipu and the adjacent apartment complex / development will be altered from the design set out in the application for consent to that set out plans 1. Cross Section Z-Z, Wensleys Boundary Sketch Plan, drawing number Sk.w1 prepared by LAND Landscape Architects, 2. Cross Sections A,B and C, Units in relation to proposed marina car park, job number 10044 prepared by Clark Fortune McDonald and Associates. These diagrams are attached and marked "C".
21. As noted above, establishment of the car parks described in condition 20 above will on an "as required basis", with the intention being to delay establishment of these car parks until absolutely necessary. Bollards or similar devices will be installed to prevent use of these car parks between the hours of 9pm and 7am.
22. Final colours and materials for buildings, structures and hard landscaping surfaces shall be submitted to the consent authority prior to development commencing on the site. In this instance, the final colour scheme for all buildings, structures and landscaped surfaces shall appear appropriately recessive throughout all seasons of the year, and lie within the natural colour ranges of browns, greens and greys as indicated throughout the surrounding landscape. Materials shall be in accordance with those outlined in the application.

23. Prior to development commencing on the site, final landscaping treatment, planting plans and cross-sections shall be submitted to the consent authority for approval. This shall include a landscaping plan for the eventual site of building 3 pending its construction, and a plan showing the fence and landscaping to be established on the Sugar Lane boundary between the development sites and the adjoining residential properties. The plans shall specify the location, planting densities and species of all vegetation indicated on the plans. The final species of vegetation proposed should place emphasis on the use of native plants that are also indigenous to the Wakatipu area.
24. The maintenance of the landscaping/streetscape and parking areas shall be the responsibility of the consent holder excepting that maintenance obligations may be transferred to QLDC whereby such agreement for maintenance obligations are submitted to the consent authority. In that instance maintenance shall be in accordance with that agreed to and outlined in the lease agreement between QLDC and the consent holder.
25. Prior to development commencing on the site a qualified ecologist shall approve the final design of the unnamed creek, to ensure that the culvert will not restrict fish movement.
26. Any lighting associated with the commercial buildings and the marina shall be restricted to down-lights only. The consent holder shall submit a lighting plan prior to development commencing on site to show that all lighting on the site will be consistent with QLDC's Southern Light Strategy, and to ensure that lighting is designed to avoid excessive light spill while maintaining public safety.
27. The details of street furniture, including any structures to be provided on the site for the disposal and recycling of waste, and seating, shall be submitted to the consent authority prior to development commencing. The design of street furniture shall be consistent with the provision of a cohesive 'public reserve' node.

Signage

28. Signage is to be erected restricting car parking in the eastern most car park of the proposed marina development. Car parking in this area is to be restricted between the hours of 9pm and 7am.(nb – refer condition 21 above as to bollards also)
29. It is noted that, in accordance with the application, two directory boards of approximately 2m² each are approved and are to be located as set out in the application.
30. Signage on the site over and above that permitted by conditions 28 and 29 above shall be restricted to the 'numbering' signage on each of the buildings in accordance with the plans and specifications set out in the application. No further signage shall be erected on the site.

31. Prior to the erection of the signage permitted by conditions 28 and 29 the final design and position of the directory boards shall be submitted to the consent authority for approval.

Engineering

32. All engineering works shall be carried out in accordance with QLDC's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
33. The consent holder shall provide a letter to the consent authority advising who its representative is for the design and execution of the engineering works and construction works required in association with this development, and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 and 1.5 of NZS4404:2004 "*Land Development and Subdivision Engineering*", in relation to this development.
34. Prior to the commencement of any works on the land being developed the consent holder shall provide to the consent authority, copies of all specifications, calculations and design plans necessary to detail the following engineering works; and / or shall comply with the following as appropriate;
- a) The provision of a water supply to the development shall be in terms of QLDC's standards and connection policy. This shall include an approved valve and valve box on the property boundary that includes provision for the installation of a water meter at a later date. The costs of the connection shall be borne by the consent holder. A full water model is required to be submitted to confirm design requirements and capacity. Easements in Gross shall be placed over all mains to be vested in QLDC.
 - b) The provision of a foul sewer connection to the development shall be in accordance with QLDC's standards and connection policy. A detailed effluent model describing the nature and scale of the discharges from the marina development shall be submitted to the consent authority before connection to ensure that effluent demands can be fully catered for. The costs of the connection shall be borne by the consent holder.
 - c) To the extent that the existing 1.35m diameter trunk sewer main remains operative it shall be inspected and its condition established prior to works commencing on site. The condition of the sewer main shall be monitored during construction and inspected following completion of the works. Any maintenance that is required as a result of works on the site shall be at the consent holder's cost. Design and timing of all activities described herein concerning the sewer main shall be undertaken in conjunction with QLDC's Asset Managers, and a copy of all

correspondence shall be submitted to QLDC for retention on the Resource Consent file.

- d) The 600mm redundant sewer main shall be removed where it conflicts with the development. This shall be undertaken in conjunction with QLDC's Asset Managers and a copy of all correspondence shall be submitted to QLDC for retention on the Resource Consent file.
- e) Easements in Gross shall be placed over all sewer mains to be vested in QLDC.
- f) Where washdown water is proposed to be discharged into QLDC sewer mains, the consent holder shall liaise with QLDC's Asset Managers as to the appropriate design requirements.
- g) The provision of suitable reticulation and connections from all impervious areas in the development to Lake Wakatipu. The design shall be submitted to Otago Regional Council prior to submission to QLDC. The design shall include full details of collection methods, flood mitigation, water management and stormwater quality. The costs of the installation shall be borne by the consent holder.
- h) The provision of fire hydrants with adequate pressure and flow to service the development with a Class W4 fire risk in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies 2003. Adoption of any lesser risk will require the prior approval in writing from NZ Fire Service, Dunedin Office. The fire cells of the development shall be in accordance with a W4 design.
- i) The construction of sealed vehicle maneuvering and parking areas to QLDC standards for both car and trailer parking as per the application. Within six months of all commercial development at the site being occupied, a car parking survey shall be carried out at the consent holder's expense. The survey shall be carried out over (at least) the course of one weekday, one Saturday and one Sunday, with the exact survey timings and dates to be agreed with Council.
- j) The consent holder shall not commence construction of the marina or associated buildings unless the consent holder has first deposited the sum of NZ\$230,000 to the NZ Transport Agency's Public Deposit Facility to be applied for any roading improvements which NZTA deems necessary at the intersection of Sugar Lane and SH6A.
- k) A design shall be submitted to ensure that appropriate sight distances/visibility is achieved for drivers exiting the North Eastern car park in perpetuity. If the sight distances cross land outside the consent holder's control, a formal agreement with those parties must be obtained.

- l) The stairwell at the 'blind bend' located at the western corner of the basement car park shall be designed to be "open" as opposed to being enclosed within walls, to provide inter-visibility between vehicles. Alternatively a mirror shall be provided to ensure the adequate inter-visibility.
 - m) The structure adjacent to the southern side of the foot of the access ramp to the basement car park shall be designed to be "open" to ensure inter-visibility between vehicles, and vehicles & pedestrians. Alternatively, a mirror shall be provided to ensure the adequate inter-visibility.
 - n) The submission of a specific site Traffic Management Plan to ensure that at times of peak demand at the marina, any traffic congestion within the site is controlled. No effects from traffic congestion should extend onto the adjacent state highway.
35. Prior to the occupation of each stage of the development, the consent holder shall complete the following:
- a) The submission of 'as-built' plans in accordance with QLDC's 'as-built' standards, and information required to detail all engineering works completed in relation to or in association with this development.
 - b) The completion and implementation of all works detailed in Condition 34 above.
 - c) The consent holder shall provide suitably sized power connections to the development. The supply shall be underground from any existing reticulation and be in accordance with any requirements/standards of Aurora Energy/Delta.
 - d) The consent holder shall provide a suitable and usable telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Telecom.

Earthworks

36. Prior to commencing any work on the site the consent holder shall:
- a) Prepare a contingency plan and submit it to the consent authority. Such a contingency plan shall identify the monitoring regime that will be installed, the actions the contractor and developer will undertake if the monitoring regime indicates earth movement, and the timeframe within which the contractor and developer will act.
 - b) Prepare a photo survey of the neighbouring properties and buildings (subject to being permitted access to neighbouring properties for this purpose) to obtain a reliable set of benchmark readings, so that the total magnitude of movement, if any, due to earthworks can be clearly and accurately determined. A file copy

of these benchmark records shall be submitted to the consent authority. A copy is to be provided also to the owners of residential properties at 819 and 823 Frankton Road.

- c) Provide to the consent authority the name and telephone number of the engineer who will be responsible for supervising all excavation and retention works on site and who will be responsible for the regular reading of the monitoring instrumentation. A contact telephone number shall also be given to the owners of adjacent properties.
 - d) A bond shall be entered into, in a form to be determined by the QLDC's solicitors, to secure performance of the works to be carried out as per the plans approved for this development. The cost of setting up the bond is to be borne by the applicant. The bond shall be guaranteed by a financial institution approved by QLDC's solicitors. This resource consent shall not be exercised until the applicant has provided evidence to QLDC that the bond has been established. The bond shall be for a sufficient amount to cover the cost of restoring the site to a level hardstand area, and stabilising the adjacent foreshore to its current state or better, should the works be abandoned for a period in excess of 90 days. The amount of such a bond shall be determined by an estimate made by a suitably qualified engineer experienced in such works, using as a basis for their calculations engineered plans and specifications provided by the applicant. Such bond may be released upon the issuance of a Certificate of Compliance for the proposed works authorised by this consent.
37. Prior to commencing any works on site, the consent holder shall submit a Construction Traffic and Pedestrian Management Plan to QLDC. The Construction Traffic and Pedestrian Management Plan shall be prepared by a Site Traffic Management Supervisor (STMS) (certification gained by attending the STMS course and getting registration). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Construction Traffic and Pedestrian Management Plan. The plan shall specifically detail the protection of other users of Sugar Lane, both vehicular and pedestrian, and show how Sugar Lane will continue to operate during the construction period.
38. Prior to commencing works, the consent holder shall, as a minimum, implement the measures described in the Outline of Proposed Site Management Measures submitted with the application, as well as any additional measures deemed necessary by Otago Regional Council. The measures shall remain in place for the duration of the project or until proven that they are no longer required.
39. The final designs of all earthworks and geotechnical work shall be peer reviewed by a suitably qualified and experienced independent third party engineer prior to the final designs being submitted with a copy of the peer review to the consent authority.

40. A suitably qualified professional as defined in Section 1.4 of NZS4404:2004 shall monitor and confirm that the ground conditions and cut depths encountered are as expected and designed for. Should the site conditions be found unsuitable for the proposed construction/retaining methods, then a suitably qualified and experienced engineer shall submit to the consent authority new designs/work methodologies for the excavation/retention systems prior to further work being undertaken with the exception of work to stabilise the site in the interim.
41. All necessary temporary retention systems or the final structure shall be installed as soon as practicable following excavation to avoid any possible erosion or instability.
42. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads/access ways by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at its expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
43. If at any time QLDC receive proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of QLDC shall cease all earthworks activities that result in objectionable levels of vibration, and shall engage a suitably qualified professional who shall prepare a report that assesses the vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and buildings beyond this site. Depending on the outcome of this report a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to the consent authority for acceptance and approval.
44. Prior to construction of any buildings on the site a Chartered Engineer experienced in soils investigations shall provide certification, as appropriate, in accordance with NZS 4431 for all areas of fill within the site on which buildings are to be supported (if any).
45. Within eight weeks of completing the earthworks the consent holder shall submit to QLDC an "as built" plan of the fill. This plan shall be in terms of the New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the "as built" plan as "uncertified fill".
46. At the completion of the earthworks all earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 4 weeks.

47. No earthworks, temporary or permanent, are to breach the boundaries of the site.
48. Upon completion of the earthworks, the consent holder shall:
- a) remedy any damage to all existing road surfaces and berms that result from work carried out for this consent; and
 - b) provide an engineer's design certificate/producer statement with regards to any permanent retaining walls on site.

Construction Noise

49. A Construction Noise Management Plan shall be prepared and submitted to the consent authority prior to commencement of construction. This shall be generally in accordance with New Zealand Standard NZS6803:1999: *Acoustics – Construction Noise*, which details the types of construction and procedures that will be carried out to ensure compliance with the Standard. The Construction Noise Management Plan shall be prepared by appropriately qualified and experienced persons, prior to relevant construction stages commencing, and shall be submitted to the consent authority, prior to construction commencing.

Dust

50. The consent holder shall take all practicable steps, including the use of appropriate dust suppression measures, to minimise the creation of a dust nuisance during the construction stages of the development.

Archaeological

51. If *koiwi tangata* (human skeletal remains), *taonga*, artefact or any other evidence of archaeological or heritage interest is discovered during the exercise of this consent, the consent holder shall, without delay:
- (i) cease all work within a 50 m radius of the discovery and secure the area;
 - (ii) notify the consent authority, the appropriate *runanga*, the New Zealand Historic Places Trust, and in the case of *koiwi tangata* (skeletal remains), the New Zealand Police;
 - (iii) enable a site inspection by the New Zealand Historic Places Trust and the appropriate *runanga*, and their advisors, who shall determine the nature of the discovery and any further action required, including whether or not an Archaeological Authority is required under the Historic Places Act 1993;
 - (iv) ensure that any *koiwi tangata* or *taonga* is handled and removed by tribal elders responsible for the *tikanga* (custom) appropriate to its removal and preservation; and
 - (v) ensure that any further action identified in accordance in part (iii) of this condition is undertaken.

Upon completions of tasks (i) to (v) above, and provided all statutory permissions have been obtained, the consent holder may recommence work at the site following consultation with the consent authority, appropriate *runanga*, the New Zealand Historic Places Trust, and in the case of *koiwi tangata* (skeletal remains), the New Zealand Police.

Hours of Operation during the Construction Period

52. Hours of work under this consent shall be from 8.00 am to 7.00 pm, Monday to Friday. Works shall not be undertaken on Public holidays.

Marina Operations

53. Not less than one month prior to completion of Stage one of the development, and any subsequent stages, the consent holder shall submit to the consent authority for approval a Marina Operations Plan. The contents of this plan shall include but not necessarily be limited to the following matters:

- (i) A full description of all activities that will take place at the marina development site, including any associated facilities and buildings.
- (ii) The measures that will be put in place to control traffic and parking, including a parking allocation plan illustrating the on-site provision of the required number of car parks for each proposed activity/use within the Marina buildings in accordance with the parking ratios set out in Part 14 (Table 1) of the Partially Operative District Plan. These parks shall be provided from the 59 surface car parks identified in the application. No change in use is permitted without prior consent from Council.
- (iii) The measures that will be put in place to control noise. Noise management shall be in place to ensure that activities (other than outdoor recreation) shall be conducted such that the following noise levels are not exceeded at the boundary of the site:
 - during day time 50 dBA L10
 - during night time 40 dBA L10
- (iv) Details of the hours of operation of the marina and its associated facilities. Hours of operation for the activities within the Marina buildings shall not extend beyond 7am – Midnight.
- (v) The measures that will be adopted in the event that there is any spillage or deposition of hazardous substances, including fuels and oils, into or on to any water body (Lake Wakatipu), watercourse, or the land.

Advice Notes

- i) Council may elect to exercise its functions and duties through the employment of independent consultants

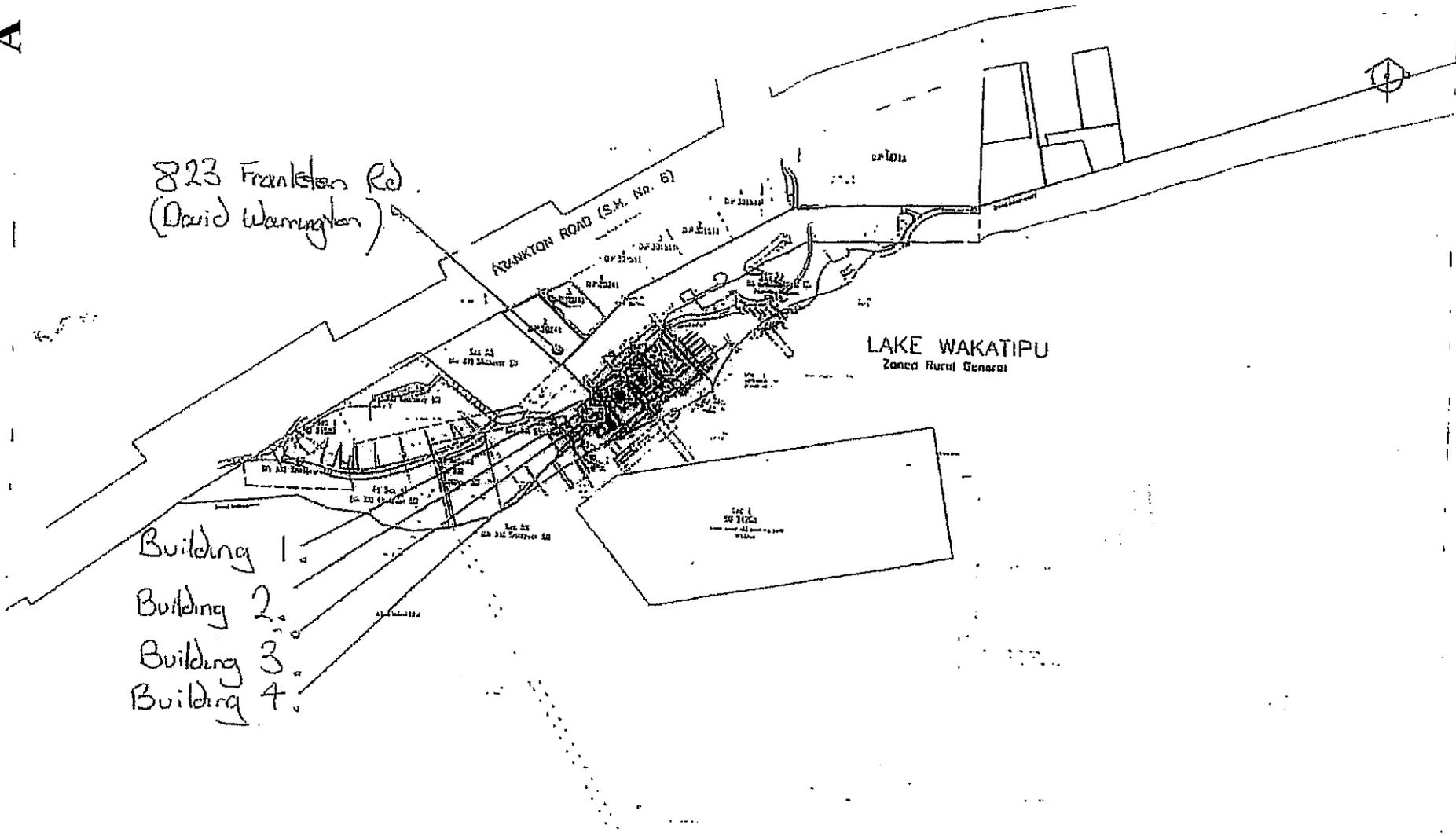
ii) *Local Government Act 2002: Development Contributions*

This proposal will generate a demand for network infrastructure and reserves and community facilities.

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required. A 'Development Contribution Notice' which includes details of how the contributions were calculated will be issued under separate cover.

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to commencement of the consent, except where a Building Consent is required. If a Building Consent is required, then payment shall be due prior to the issue of the code of compliance certificate or prior to the connection to Council services, whichever comes first.

A



823 Frankton Rd.
(David Warrington)

- Building 1.
- Building 2.
- Building 3.
- Building 4.

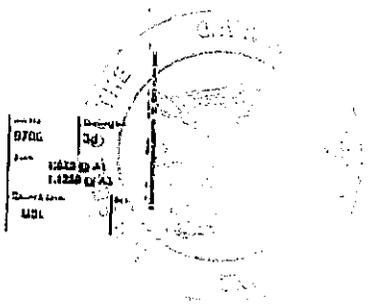
CLARK FOXTONE MCQUILL & ASSOCIATES
 Licensed Professional Engineers
 100-105 North Beach Road, Dunedin
 Telephone: 477 1234
 Fax: 477 1235

No.	Description	By	Ver.	Date
001	Revised Details	DF	Ve	2002

FRANKTON MARINA
 QUEENSTOWN MARINA DEVELOPMENTS LTD

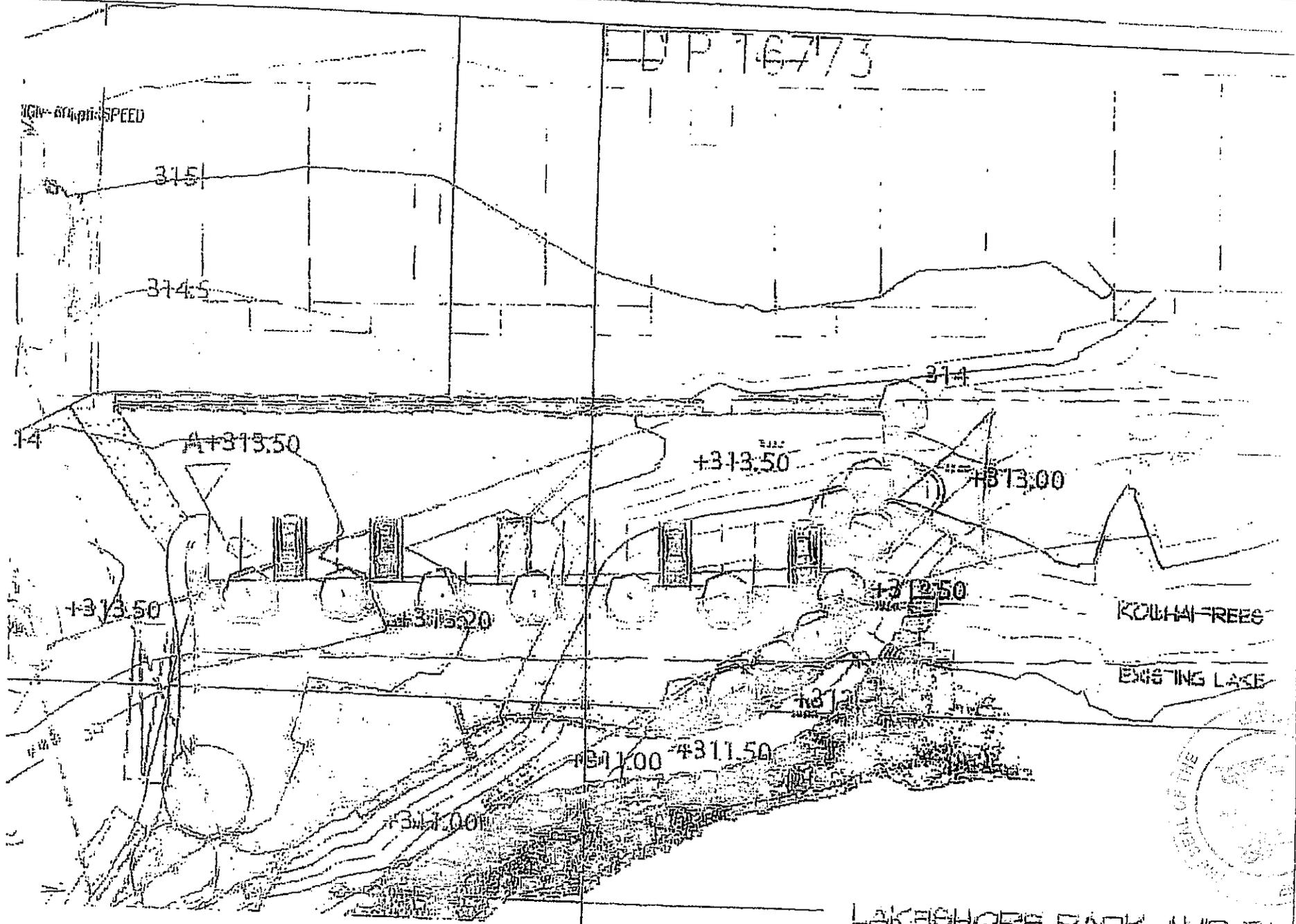
Author	Checked	Date	Project No.
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SITE PLAN OF FRANKTON MARINA

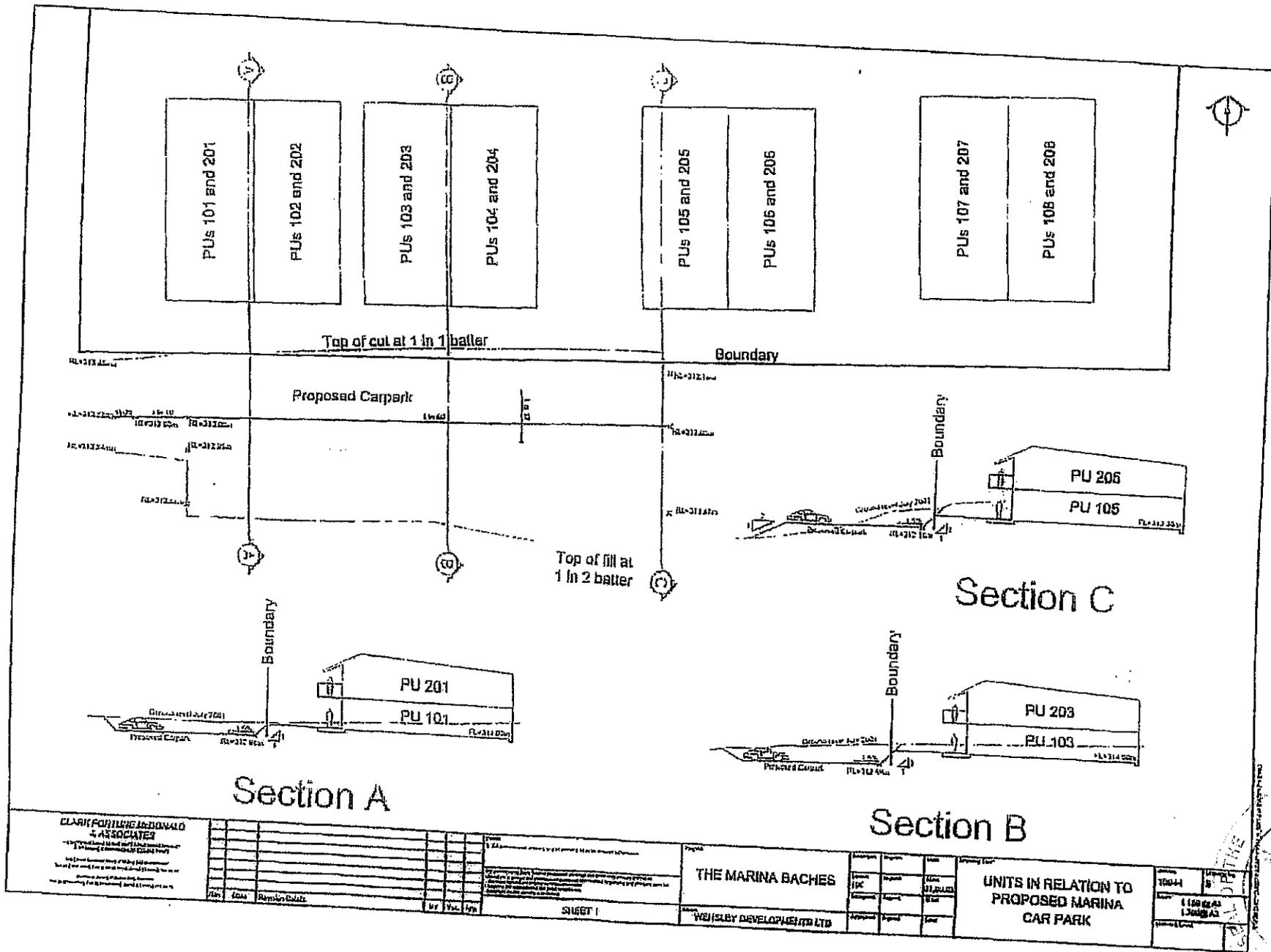


D.P. 76773

1/4 - 6/4 - 1/4 SPEED



LAKE SHORE PARK AND BI



APPENDIX 12

QLDC Scuttlebutt Magazine

VETERAN WILLOW TREE TO REMAIN AT FRANKTON MARINA

As far as interesting Willow trees go, this one is up there. The Council was about to fell a large Crack Willow tree near Frankton Marina last month but after a closer look, it was discovered to be quite remarkable.

Thought to be the largest Crack Willow in the Otago Region, the tree is approximately 14 metres tall with a canopy spread of nearly 30 metres and an impressive trunk girth of 8 metres. And that's just the parent tree. There are several smaller trees surrounding this giant likely to be genetically identical off-shoots. This is where things get interesting.

Willow trees can spread (propagate) from small twigs washed along a lake front or down river. They're also able to grow what appear to be new trees from their roots or from fallen stems. This particular tree exhibits all these types of propagation including a recently failed stem that is still partially attached to the parent tree. This stem has already grown a root system of its own at the lake edge and will develop into another new tree.

While technically considered a pest, this tree has been granted a reprieve because of its significant size, beauty and interesting propagation examples it is showing.

Keep an eye out for a new interpretive sign and feel free to have a poke around to see if you can figure out where the veteran tree ends and its offspring begins – just be careful not to damage the tree.



APPENDIX 13

Peter Petchey Report

Frankton Marina Redevelopment
Archaeological Assessment
P.G. Petchey
March 2004

Introduction

This assessment was commissioned by Ken Gousmett on behalf of the Queenstown Lakes District Council to determine whether any archaeological sites or evidence are likely to be affected by the proposed Frankton Marina redevelopment, and to advise on the management of any such evidence.

The present buildings on the site consist of a large boatshed and an adjoining cottage. The history of these structures is covered in some depth by N. Clayton (2001). The boatshed is a 1930s structure, while the cottage probably incorporates some elements of a building erected on the Queenstown waterfront between 1866 and 1876, and moved to the present site in the 1930s (Clayton 2001: 4).

Site description

The Frankton marina is located between Frankton road and Lake Wakatipu, about one kilometre west of Frankton township.

Grid reference: 2172393 5567793, NZMS 260 F41 Arrowtown.¹

The site is currently in use for marine activities, and includes the "Fisherman's Pier" (see Plate V), the boatshed (Plates V & VII), a small artificial boat harbour and open gravel areas. The proposed development will remove the boat harbour and formalise the open areas into carparking and park spaces. The boat shed will be removed, but part of the historic adjacent cottage may be relocated and reused.

¹ Taken with Garmin 12 hand-held GPS unit.

Historic Places Act (1993)

The primary legislation dealing specifically with archaeological sites is the Historic Places Act (1993) ("HPA (1993)"). The HPA (1993) is administered by the New Zealand Historic Places Trust ("NZHPT"). Of relevance here are the criteria for the legal definitions of an archaeological site, the legal protection for such sites, and the process for gaining permission to destroy, damage or modify such sites.

Definition of an Archaeological Site, from HPA (1993)

Section 2 of the HPA (1993) defines an archaeological site thus;

"Archaeological site" means any place in New Zealand that-

(a) Either-

- (i) Was associated with human activity that occurred before 1900; or*
- (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and*
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.*

Protection of an Archaeological Site under the HPA (1993)

The HPA (1993) specifically protects any archaeological site that meets the above criteria. Any such site is protected under section 10 of the HPA (1993), which states that;

"Except pursuant to an authority granted under section 14 of this Act, it shall not be lawful for any person to destroy, damage, or modify, or cause to be destroyed, damaged, or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site."

Any person wishing to so destroy, damage or modify the whole or part of any archaeological site must first obtain an Authority under section 11 or 12 of the HPA (1993) from the NZHPT.

The NZHPT can take up to three months to make a decision after an application is accepted.² If an Authority is issued, it may come with conditions relating to archaeological recording or investigations required before the site can be modified. It is the applicant's responsibility to commission this mitigation work, and final reports will be required to go the NZHPT and relevant institutions and museums.

² If an Authority application does not contain adequate information, the Trust can request more information, and the three month period only begins after this additional material is received and the application finally accepted.

Resource Management Act (1991)Resource Management Amendment Act (2003)

The heritage provisions of the Resource Management Act (1991) have been considerably strengthened by the Resource Management Amendment Act (2003), which contains a more detailed definition of heritage sites, and now considers historic heritage to be a matter of national importance under Section 6.

The Act now defines historic heritage thus:

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological:
- (ii) architectural:
- (iii) cultural:
- (iv) historic:
- (v) scientific:
- (vi) technological; and

(b) includes-

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Maori, including wahi tapu; and
- (iv) surroundings associated with the natural and physical resources.

It should be noted that this definition does not include the 1900 cut-off date for protected archaeological sites that the Historic Places Act (1993) contains, and that any historic feature that can be shown to have significant values must be considered in any resource consent application.

Site history

The following is taken from Clayton (2001: 9-10):

Frankton was a shipping port on Lake Wakatipu from the earliest days of the gold rush, in 1862-3. Various advertisements appearing in the *Lake Wakatip Mail* in early 1863 indicate that a number of sailing vessels were plying between Queenstown and Frankton and Kingston and Frankton, carrying freight and passengers.³ No record has been found of the precise landing place at Frankton prior to 1873. An undated watercolour by John Kinder, who visited Otago in 1873, shows the *Jane Williams* (later the *Ben Lomond*) berthed at one of two jetties at Frankton. The other jetty appears to be close to, or on the site of the existing boatshed and cottage.⁴

In the absence of a passable road between Frankton and Queenstown until well into the 20th century, the shipping services to and from Frankton were an important link in the freight, mail and passenger communications system in the Wakatipu. By the end of the 1930s there was a significant shift of freight and passenger traffic from steamer to road transport following opening of the Kingston to Queenstown road in 1936. With the fall-off in tonnage and revenue the Railways Department decided in 1941 to close the wharf, finally doing so in 1942.

The boatshed and cottage are sited on former New Zealand Railways Department land adjoining the former Frankton steamer wharf. Control of the land changed several times after 1878, when the Wakatip Steam Shipping Company built a jetty at Frankton to handle cargoes, principally timber, mining equipment, wool and bagged grain. In 1885 shipping on the lake passed into the hands of the Lake Wakatipu Steam Shipping Company. In 1899 control passed to the Lake Wakatipu Shipping Company where it remained until the Government took over the shipping service in 1902.⁵

Boatshed

The Railways Department is reported to have leased the site for the boat shed and cottage about 1934-5 to the late Mr. Frederick George Duncan, lawyer, of Dunedin. The lease was arranged between Duncan and the then Officer in Charge at Queenstown, Captain G. A. Herbert, for whom Duncan acted in a private professional capacity.

A Queenstown builder constructed the boat shed. Two slip-ways were constructed, the heavier of the two, on the north eastern side of the boat shed for the Duncans' 36 foot motor launch *Sans Souci*. The lighter slipway on the southwestern side was used for a 15-foot tender, the *Wait-a-Minute*.

³ See, for example, *Lake Wakatip Mail*, 16 May 1863, p. 1: 'The fast sailing boat *Wild Irish Girl*' leaves the Queens Wharf, Queenstown, every morning a 9 sharp, for Frankton, communicating with Fox's Telegraph Line of Coaches to the Arrow.'

⁴ J. Kinder, 'The Remarkables and the Outlet of Lake Wakatipu', undated watercolour, reproduced in monochrome, in R. Collins, *Pictures of Southern New Zealand*, John McIndoe, Dunedin, 1979, p. 35. The original is held in the Auckland City Art Gallery.

⁵ R. J. Meyer, *All Aboard - The Ships and Trains That Served Lake Wakatipu*, 2nd Edition, New Zealand Railways and Locomotive Society, Wellington, 1980, pp. 62, 70, 130. Meyer's account is reasonably reliable in the broader aspects of the lake shipping services, which need not be rehearsed in detail here. The Lakes District Museum holds a number of photographs showing the types of cargoes that crossed the Frankton wharf. See for example, *Frankton Wharf 1898 When The Boats On The Lake Were Owned By A Private Company*, File E1 102.

Construction of the boatshed was undertaken in response to local objections to the Duncan family's practice of mooring the *Sans Souci* in the southeastern corner of Queenstown Bay. The boatshed was by far the largest and most elaborate structure of its kind in the Wakatipu at that time and was cause for considerable comment among the boating and general community, as was the high standard of fitting-out of the *Sans Souci*. Prior to the reconstruction of the old shipping office at Frankton, the Duncans lived aboard their launch, which had sleeping accommodation for eight persons, during their summer holidays on the lake.⁶

Discussion

Several contemporary photographs held by the Lakes District Museum show the Frankton Wharf and the smaller second jetty referred to by Clayton, and are reproduced here as Plates I to IV. Plate I shows both the main wharf and a smaller jetty to the east, Plate II shows the smaller jetty, and Plates III and IV show the main steamer wharf in 1898 and 1910 respectively.

As can be seen from these photographs most of the lakeshore area consisted of open ground, upon which timber and goods to be shipped were stacked. Two small timber buildings stood on the ground, one by the wharf and one by the jetty, while a large goods shed was built on piles out over the water (see Plates III and IV).

The existing boat shed and cottage are probably situated close to the location of the smaller jetty shown in Plate II. Plate VI was taken in 2004 from a similar viewpoint, and shows how the lakeshore area has been modified by levelling to create parking areas. The excavation of the boat harbour (out of sight to the left of Plate VI) would also have substantially modified the area.

In terms of archaeological potential, both the small jetty and the large steamer wharf would have left some evidence by way of old piles, but as can be seen in the photographs most of the on-shore activities consisted of simple storage of goods. The on-shore buildings were small and constructed of timber, while the large wharf sheds were constructed on the wharf piles. While some archaeological evidence of the on-shore buildings may survive despite the considerable modification of the site in the twentieth century, their archaeological potential would be limited as they appear to have simply been store sheds.

⁶ Personal communications, (a) 14 April 2001, Mr. O. L. (Lloyd) Clayton of Christchurch, a former launch master, who worked for the late Mr Horace Tomkies on Lake Wakatipu; (b) 17 April 2001 with Mr. F. L. (Fred) Duncan of Dunedin, a son of F.G. Duncan. Fred Duncan was uncertain about the name of the builder. He thought his surname might have been Boyd. The *Sans Souci*, formerly the Port Chalmers fishing boat *Alert*, was converted to a pleasure boat for the Duncans by Donny Costello and transported to Kingston by rail where it was launched with the sheer legs at the end of the wharf. 'Wait a minute' was an expression used by Fred Duncan's sister Pat when they played mah-jong, and became family joke. The launch was also used to transport the family to and from the islands at the head of the lake where, by arrangement with the Queenstown Borough Council, they had a camping hut.

Recommendations

While the area of the Frankton Marina has been the site of considerable marine activity over the past 140 years, many of the main structures appear to have been built on piles out over the water. Several small timber buildings did exist on the site, but most of the area was apparently simply used to stack goods awaiting shipping or pick-up.

There is some potential for the recovery of pre-1900 archaeological material, particularly if any earthworks occur at or near the lakeshore. I would therefore make the following recommendations:

- That the Queenstown Lakes District Council apply for an authority to destroy, damage or modify an archaeological site under the provisions of the Historic Places Act 1993.
- That such an authority should be issued with the following condition:
- That an accidental discovery protocol is in place during any earthworks, in case any archaeological material is found. This should describe the actions to be taken by the on-site workers and the site supervisor, and the process to be followed to ensure the material is properly assessed, recorded and recovered.

References

Clayton, N. (2001) "Historicity of a Boatshed and Cottage at Frankton, Lake Wakatipu." Report to the Queenstown Lakes District Council.

Photographs from the Lakes District Museum:

EL0101

EL0102

EL2729

EL2731



Plate I

Frankton Wharf prior to 1898, looking down the lake towards the Kawarau Falls. A small jetty is also visible just above the roof of the building, which is shown in more detail in Plate II. Plate III shows the same view some years later. (Lakes District Museum EL 2729)



Plate II

A view of a small jetty and shed to the east of the structures shown in Plate I, and probably taken on the same day (based on the pattern of snow on the mountains). (Lakes District Museum EL 2731)



Plate III

Frankton Wharf in 1898, looking towards the Kawarau Falls. The building shown in Plate I has had a small lean-to added, as well as other small modifications. The wharf shed on the right is also shown in Plate IV. (Lakes District Museum, EL0102)



Plate IV

Frankton Wharf in 1910, looking up the lake towards the west. The wharf buildings have been extended since Plate III was taken in 1898 (the right hand section of the building is earlier). (Lakes District Museum EL 0101)



Plate V
The Fisherman's Pier and 1930s boatshed in 2004.



Plate VI
A 2004 view of the rear of the cottage and boatshed (hidden behind the tree on the left) from a similar viewpoint as Plates I and II.



Plate VII
The view of the boatshed and cottage from the end of the Fisherman's Pier in
2004.

APPENDIX 14

Assessment Matters

Part 5 Rural Zone- Assessment Matters

5.4.2.3 (i) General - Nature Conservation Values

- (a) *The extent to which activities will result in opportunities for the protection and enhancement of indigenous bio-diversity or indigenous ecosystems.*
- (b) *Any adverse effects of the activity on indigenous ecosystems from animal pests and domestic animals.*
- (c) *Any need to avoid, contain, manage and/or monitor the adverse effects of introduced plant species/forms, which have potential to spread and naturalise.*
- (d) *The extent to which the activity provides opportunities for making available information regarding indigenous ecosystems.*
- (e) *The extent to which activities will protect and enhance the survival and well being of indigenous plants and/or animals that are rare, vulnerable or endangered, or significant within the District, Region or nationally.*
- (f) *In the case of activities proposed in the vicinity of rock outcrops, the extent to which the activity will adversely affect, or provide opportunities to enhance, the protection of lizard populations and their habitat.*
- (g) *The extent to which the inherent values of the site, and its ecological context, have been recognised and provided for.*

5.4.2.3(ii)(a) Natural Hazards

- (a) *Whether the activity will exacerbate any natural hazard, including erosion, sedimentation, subsidence and landslips.*

5.4.2.3(iv) Controlled and Discretionary Activity - All Buildings

- (a) *The extent to which the location of buildings and associated earthworks, access and landscaping breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.*
- (b) *Whether the external appearance of buildings is appropriate within the rural context.*

5.4.2.3(v) Controlled Activity – Retail Sales

- (a) *The extent to which buildings and structures are located to mitigate against the loss of landscape values.*
- (b) *The location and design of vehicle access, parking and loading areas to protect the safe and efficient movement of vehicles on adjoining roads.*
- (c) *The extent to which the size, location and design of parking and loading areas, and their relationship to the retail sales areas, buildings, outdoor display areas and vehicle access, are such so as to encourage cars to park on-site and not on adjoining roads.*
- (d) *The extent to which parking and loading areas are capable of accommodating likely vehicle demand.*

5.4.2.3(ix) Discretionary Activity - Commercial

- (a) *The extent to which the commercial activity may:*
 - (i) *result in levels of traffic generation or pedestrian activity, which is incompatible with the character of the surrounding rural area, or adversely affect safety.*
 - (ii) *have adverse effects in terms of noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.*
 - (iii) *result in loss of privacy.*

- (iv) result in levels of traffic congestion or reduction in levels of traffic.
- (b) The extent to which the commercial activity mitigates any adverse effects in terms of additional traffic generation.
- (c) The effect the commercial activity may have on the life supporting capacity of soils and water.

5.4.2.3 (xiv) Discretionary Activity - Commercial Recreation Activity

- (a) The extent to which the recreational activity will result in levels of traffic or pedestrian activity which are incompatible with the character of the surrounding rural area.
- (b) Any adverse effects of the proposed activity in terms of:
 - (i) noise, vibration and lighting, which is incompatible with the levels acceptable in a low-density rural environment.
 - (ii) loss of privacy or a sense of remoteness or isolation.
 - (iii) levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
 - (iv) pedestrian safety in the vicinity of the activity.
 - (v) litter and waste.
 - (vi) any cumulative effect from the activity in conjunction with other activities in the vicinity.
- (c) The extent to which any building will be compatible with the character of the local environment, including the scale of other buildings in the surrounding area.
- (d) The extent to which the nature and character of the activity would be compatible with the character of the surrounding environment.
- (e) Any adverse effects of any proposed buildings for the recreational activity having regard to the matters specified in Assessment Matter ii a.
- (f) The extent to which any operation has been audited and certified in accordance with the relevant Code of Practice.
- (g) Any potential adverse effects of the activity on the quality of ground and/or surface waters.
- (h) The effect of the recreational activities on the life-supporting capacity of soils.
- (i) The extent to which the proposed activity will result in a loss of privacy, amenity values or sense of security for residents within the rural environment.
- (j) The extent to which the recreational activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.
- (k) The extent to which the use of the land for the recreational activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.
- (l) Any adverse effects of the activity on nature conservation values, having regard to the matters described in Assessment Matters i and xxi.
- (m) The extent to which the activity may cause a visual distraction to drivers on arterial routes.

5.4.2.3 (xv) Discretionary Activity - Surface of Lakes and River

Surface of Water Activity (5.4.2.3 (xvi))

- (a) The extent to which the water-based activity will adversely affect the range of recreational opportunities available in the District or the quality of experience of the people partaking of those opportunities.
- (b) The extent to which the water-based activity is suited to and benefits from the identified natural characteristics of the particular lake or river.
- (c) The extent to which the water-based activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity and, particularly, opportunities for remote experience recreation.

- (d) *The extent to which the water-based activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.*
- (e) *Any adverse effects of the proposed activity in terms of:*
- (i) *noise, vibration and lighting, which is incompatible with the levels acceptable in the particular lake or river environment.*
 - (ii) *loss of privacy or a sense of remoteness or isolation.*
 - (iii) *levels of congestion or reduction in levels of lake or river safety, which are unacceptable for the nature of the lake or river.*
 - (iv) *accumulation of litter and waste, and access to toilet facilities.*
 - (v) *any cumulative effect from the activity in conjunction with other activities in the vicinity.*
- (f) *The extent to which the water-based activity is compatible with, and will not adversely affect nature conservation values or wildlife habitat*
- (g) *In the case of structures or moorings which pass across or through the surface of any lake or river or are attached to the bank of any lake or river, the extent to which the structures or moorings:*
- (i) *Are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place.*
 - (ii) *cause an impediment to craft manoeuvring and using shore waters.*
 - (iii) *diminish the recreational experience of people using public areas around the shoreline.*
 - (iv) *result in congestion and clutter around the shoreline.*
 - (v) *are likely to result in demand for craft to be permanently moored outside of permanent marina sites.*
 - (vi) *can be used by a number and range of people and craft, including the general public.*
 - (vii) *are compatible with scenic and amenity values, particularly in Queenstown Bay, Frankton Arm and Roys Bay.*
 - (h) *Any effect from the activity on the operation, safety and navigation of the TSS Earnslaw.*
 - (i) *Levels of traffic congestion or reduction in levels of traffic safety, which are inconsistent with the classification of the adjoining road.*

5.4.2.3 (xxiii) Nature and Scale of Activities

The extent to which

- (i) *the scale of the activity and the proposed use of buildings are compatible with the scale of other buildings and activities in the surrounding area.*
 - (ii) *the character of the site will remain dominant.*
 - (iii) *materials and equipment associated with the activity need to be stored outside of a building.*
 - (iv) *all manufacturing, altering, repairing, dismantling or processing of any goods or articles associated with the activity need to be carried outside of a building.*
 - (v) *noise and visual impact.*
- adverse effects of likely traffic generation and the ability to mitigate such effects.*

5.4.2.3 (xxiv) Retail Sales

- (a) *The extent to which the size, location and design of the parking and loading areas, and their relationship to the retail sales areas, buildings, outdoor display areas and vehicle access, are such as to encourage vehicles to park on the site.*
- (b) *The extent to which vehicles will be discouraged from parking on the adjoining road, with associated pedestrian access to the site.*
- (c) *The extent to which the parking and loading areas are capable of accommodating likely vehicle demand.*

5.4.3.2 - (xxvii) Earthworks

1. *Environmental Protection Measures:*
 - (a) *Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.*
 - (b) *Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.*
 - (c) *Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.*
 - (d) *Where earthworks are proposed on a site gradient > 18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.*
 - (e) *Whether measures are proposed to mitigate against dust and whether these are effective*
 - (f) *Whether and to what extent any groundwater is likely to be affected, and if any mitigation measures are proposed to address likely effects.*
 - (g) *Whether and to what extent earthworks are necessary in order to undertake flood protection works recognising the long-term benefits of effective flood mitigation measures on the surrounding environment.*

2. *Effects on landscape and visual amenity values, in particular Outstanding Natural Features and Outstanding Natural Landscapes.*
 - (a) *Whether and to what extent the scale and location of any cut and fill will adversely affect:*
 - *the visual quality and amenity values of the landscape;*
 - *the natural landform of any ridgeline or visually prominent areas;*
 - *the visual amenity values of surrounding sites.*
 - (b) *Whether the earthworks will take into account the sensitivity of the landscape.*
 - (c) *The potential for cumulative effects on the natural form of existing landscapes.*
 - (d) *The proposed rehabilitation of the site and to what extent re-vegetation will mitigate any adverse effects.*
 - (e) *Whether and to what extent the earthworks create an area that is inconsistent with the character of the surrounding landscape.*
 - (f) *Whether the location and/or design of any new tracking can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.*

3. *Effects on Adjacent Sites*
 - (a) *Whether the earthworks will adversely affect the stability of neighbouring sites*
 - (b) *Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.*
 - (c) *Whether cut, fill and retaining are done in accordance with engineering standards.*

4. *General Amenity Values*
 - (a) *Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.*
 - (b) *Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.*
 - (c) *Whether natural ground levels will be altered.*

5. *Impacts on sites of cultural heritage value:*
 - (a) *The extent to which the activity modifies or damages Waahi Tapu or Waahi Taoka, and whether tangata whenua have been notified.*
 - (b) *The extent to which the activity affects Ngai Tahu's cultural and traditional association with the Statutory Acknowledgment Area.*
 - (c) *Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.*

6. Activities

- (a) *Whether the proposed tracking or other earthworks is necessary or desirable for the ongoing and reasonable maintenance and use of the land*
- (b) *Whether the proposed tracking or other earthworks are necessary or desirable to achieve a reasonable or appropriate use of the land for the proposed activity.*

Part 7 Residential Zone Assessment Matters

Part 7.7.2 (xi) Discretionary Activity and Zone Standard - Retail Sales

- (a) *The extent to which the activity will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.*
- (b) *Any adverse effect of the likely traffic generation from the proposed activity in terms of:*
 - (i) *Noise and vibration from vehicles entering and leaving the site or adjoining road, which is incompatible with the noise levels acceptable in a low-density residential environment.*
 - (ii) *Glare from headlights of vehicles entering and leaving the site or adjoining road which is intrusive for residents or occupants of adjoining residential sites.*
 - (iii) *Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.*
 - (iv) *Reduction in the availability of on-street parking which is such as to cause a nuisance for residents, occupants or visitors to adjoining residential sites.*
 - (v) *Fumes from vehicles entering or leaving the site, which are objectionable to residents or occupiers of adjoining residential sites.*
 - (vi) *Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities in the vicinity.*
- (c) *The extent to which the proposed traffic generation will be compatible with or not result in adverse effects upon activities in the surrounding neighbourhood.*
- (d) *The ability to mitigate any adverse effects of the additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.*
- (e) *Any adverse effects of increased levels of pedestrian activity as a result of the retail sales in terms of noise, disturbance and loss of privacy which is inconsistent with the low-density suburban living environment.*
- (f) *The extent to which retail sales from the site are an integral and necessary part of other activities being undertaken on the site and assist in providing alternative home-based employment and income-generating opportunities for residents or occupiers of the site.*
- (g) *The proximity of the site of the retail sales to the sites of scheduled commercial or community activities, or to arterial roads.*

Part 7.7.2 (xxiv) Nature and Scale of Non-Residential Activities

- (a) *The extent to which the scale of the activity and the proposed use of the buildings will be compatible with the scale of other buildings and activities in the surrounding area and will not result in visual dominance as a result of the area of buildings used, which is out of character with the low density suburban environment.*
- (b) *The extent to which the character of the site will remain dominated by landscaping rather than by buildings and areas of hard surfacing.*
- (c) *The extent to which the activity will result in the loss of residential activity on the site.*
- (d) *The extent to which the activities on the site remain dominated by residential activity, rather than by activities which are not associated with or incidental to residential activity on the site.*
- (e) *Any adverse effects of the activity in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.*

- (f) *The extent to which the activity provides a local function by meeting the needs of residents principally within the surrounding residential environment.*
- (g) *The ability to mitigate any adverse effects of the increased scale of activity.*
- (h) *The extent to which the activity will detract from the coherence and attractiveness of the site as viewed from adjoining roads and sites.*
- (i) *Any adverse effects of the activity on the outlook of people on adjoining sites, including the loss of residential character.*
- (j) *The extent to which the activity will be compatible with the appearance, layout and functioning of other sites in the adjoining area.*
- (k) *The ability to mitigate any adverse effects of the activity on adjoining roads and sites.*
- (l) *The extent to which additional employment will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding residential area.*
- (m) *The extent to which additional employment is an integral and necessary part of other activities being undertaken on the site and assists in providing alternative home-based employment and income generating opportunities for residents or occupiers of the site.*

Part 7.7.2 (xxxi) Earthworks

In the High Density Residential Zone notification may be required in situations involving special circumstances with regard to any aspect of earthworks to include, but not limited to, work schedules, blasting or extensive drilling, unstable or suspect geological conditions, substantial subsurface water, safety and traffic management.

(a) Environmental Protection Measures

- (i) *Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.*
- (ii) *Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.*
- (iii) *Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.*
- (iv) *Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.*
- (vi) *Whether appropriate measures to control dust emissions are proposed.*
- (vii) *Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.*

(b) Effects on Landscape and Visual Amenity Values

- (i) *Whether the scale and location of any cut and fill will adversely affect:*
 - a. *the visual quality and amenity values of the landscape;*
 - b. *the natural landform of any ridgeline or visually prominent areas;*
 - c. *the visual amenity values of surrounding sites*
- (ii) *Whether the earthworks will take into account the sensitivity of the landscape.*
- iii) *The potential for cumulative effects on the natural form of existing landscapes.*
- (iv) *The proposed rehabilitation of the site.*

(c) Effects on Adjacent Sites:

- (i) *Whether the earthworks will adversely affect the stability of neighbouring sites.*
- (ii) *Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.*
- iii) *Whether cut, fill and retaining are done in accordance with engineering standards.*

d) General Amenity Values

- i) *Whether the removal of soil to or from the site will affect the surrounding roads, and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.*
- (ii) *Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.*
- (iii) *Whether natural ground levels will be altered.*
- iv) *The extent to which the transportation of soil to or from the site will generate any negative effects on the safety or efficiency of the road network.*
- (e) *Impacts on sites of cultural heritage value:*
 - (i) *Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgement Area, and whether tangata whenua have been notified.*
 - (ii) *Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.*

Part 14 Transport Assessment Matters

14.3.2(v) Access

- (a) *Whether adequate sightlines are available from alternative access points.*
- (b) *The extent to which the safety and efficiency of the adjoining road would be compromised by an access point located closer to an intersection or with lesser unobstructed site distances, than is permitted by the Plan.*
- (c) *The extent to which conflicts between vehicles could be created by vehicles queuing across the vehicle crossing; confusion between vehicles turning at the crossing or the intersection; inadequate rate of driver assimilation of data, thereby adversely affecting the safety of the road.*
- (d) *Whether the hours of operation of activities on the site coincide with the peak flows and vehicle queues on the road.*
- (e) *Whether the speed and volume of vehicles on the road could increase the adverse effects of the access on the safety of road users.*
- (f) *Whether the geometry of the road could mitigate the adverse effects of the access.*
- (i) *Whether there is efficient public transport within the vicinity of the proposed activity.*
- (j) *The proximity of residential areas, visitor accommodation, commercial offices or other mixed use developments to the proposed activity, and the ability for people to walk to and from the site.*
- (k) *Where there is any consideration to any requirement for coach parking recognition be given to the availability of designated coach parking provided off site.*
- (l) *Where a reverse manoeuvre is undertaken from a rear site whether the effects are mitigated by the width of access and visibility at the road boundary.*
- (m) *The extent to which the limited width of an access is mitigated by sufficient on-site manoeuvring.*
- (n) *The likelihood of future development which could result in increased traffic generation.*
- (o) *The extent to which the reduced width of an access is mitigated by the provision of passing areas and/or turning heads.*
- (p) *The extent to which the proposed development:*
 - (i) *Is in accordance with an approved structure plan or overall development plan for the area,*
 - (ii) *Can prove that the site will contain fewer units, to be controlled by subdivision covenants, vesting of land as reserve, or other appropriate measures, and*
 - (iii) *Can prove that any adjoining land may be more reasonably and economically accessed by an alternative route or that the development of adjoining land is so unlikely as to make provision for future access unreasonable.*
- (q) *Whether the reduced access width avoids turns requiring such methods as mirrors or signalling devices, where the removal, vandalism or malfunctioning of such methods may lessen public safety and convenience.*
- (r) *Where the anticipated use of accessways is to a multi-unit residential or visitor accommodation development, where reduced access widths may be considered because the development includes ready access to parking and building entry points.*

- (s) *Whether there is the possibility of redesign of the development to avoid or mitigate reasons advanced for creation of narrower accessways than required, even though such redesign may result in fewer units.*
- (t) *The extent to which the reduced access widths form part of a structure plan development adopting the "new urbanism" design style, where it is appropriate to provide for lesser access widths in order to enhance urban amenity values.*